

**Volume #86, Report #31 -- Wednesday, February 15, 2017**  
**House Passes Bills Dealing With Cocaine, Taxes, Gambling; Speaker Talks Collective Bargaining**

Legislation to change how cocaine is accounted for in drug convictions passed the House unanimously Wednesday.

The House also advanced bills updating the state's tax code to align with federal changes and allowing Ohio casino employees to gamble at other casinos.

The cocaine bill (HB 424) passed unanimously after House members voted 95-1 to incorporate an emergency clause. That bill is designed to clarify the statute for how penalties for cocaine possession are assessed based on the amount of cocaine after an Ohio Supreme Court ruling interpreting the existing language, sponsor Rep. Robert Cupp (R-Lima) said. (See Gongwer Ohio Report, February 14, 2017)

The Supreme Court's decision in *State v. Gonzales* said the state must prove the actual weight of the cocaine included in compounds, excluding filler material, to use the amount for sentencing. Rep. Cupp said it would be costly and time-consuming for the state to invest in the laboratory equipment to prove that for these cases.

"The practical fact of the court's decision was to make every cocaine violation a fifth-degree felony unless the cocaine was pure," he said.

Rep. John Rogers (D-Mentor-on-the-Lake) said the bill, with the emergency clause, is needed now because there is currently no added penalty for trafficking in large amounts of cocaine compared to small amounts.

"As the law now stands, drug dealers and traffickers are incentivized to traffic in large quantities of cocaine," he said.

The House also voted unanimously to pass a bill (HB 1124) to update the state's tax code with changes in federal law.

"As a CPA, I am well aware some of the tax laws can be a bit dull and difficult to understand, however this legislation is necessary so we can ensure Ohioans are able to fully benefit from the new federal laws this tax season," sponsor Rep. Gary Scherer (R-Circleville) said in a statement.

The other bill passed by the House (HB 324) would allow casino employees to gamble at other unaffiliated casinos in the state. Sponsor Rep. Bill Seitz (R-Cincinnati) said it simply gave casino employees the same right already given to racino employees.

"The only limitation by this bill is that you cannot be employed by or affiliated with the casino at which you are playing," Rep. Seitz said.

**Speaker's Comments:** Speaker Cliff Rosenberger (R-Clarksville) told reporters after session that while a number of his caucus members are supportive of recently introduced "right-to-work" legislation (HB 53), it's not a focus for leadership.

"We're always going to have members that want to introduce bills and do things. That's in their prerogative to do," he said. "We'll have conversations with the caucus, but I don't know that we have a game plan going forward."

The speaker said many in the legislature remember what happened with the last attempt at similar legislation (SB5, 129<sup>th</sup> General Assembly), which was repealed by voters. There might not be broad enough support for it, he said, though the state is facing pressure as more states implement similar policies.

"Ultimately for the state, the right-to-work pathway is one which is probably taken to the ballot," he said.

### **Critics Take Aim At Several Portions Of Transportation Budget**

Detractors of certain aspects of Gov. John Kasich's proposed two-year transportation budget on Wednesday spoke out against tax policy changes in the bill, urged more funding for public transportation and lobbied for increased fees for deputy registrars.

Testifying before the House Finance Committee, Matthew White, general counsel of IGS Energy, and Jason Phillips, policy director for Clean Fuels Ohio, both disagreed with a portion of the budget (HB 26) that would allow for the 28-cent-per-gallon Motor Fuel Tax to be levied on compressed natural gas. (Redbook)

Mr. White told the panel that the proposal would harm the fledgling industry while generating little revenue for the state.

"It would be unwise to now impose a tax on CNG in such an expedited manner without studying how the tax may harm the industry and without looking at the complexities of the tax code to ensure any tax is applied fairly," he said in testimony.

Rep. Alicia Reece (D-Cincinnati) questioned Mr. White on if he would be open to a phased-in approach.

In response, Mr. White said a phased-in tax may be appropriate when the CNG market share grows from its current 1% to 3% or more, but not in the current budget cycle.

"We would support a broader study of CNG, including how to incentivize it and how to make it work best for the state of Ohio," he said.

Rep. Adam Miller (D-Columbus) asked how much the federal alternative fuel tax credit weighs on his opposition to the MFT being imposed on CNG. Mr. White said given the political changes in the nation's capital, he is not hopeful that the federal tax credit will be renewed.

Mr. Phillips told the panel that financial incentives should be paired with the tax if it is imposed.

"Pennsylvania and other states that currently tax CNG pair this tax with a very healthy financial incentive to offset a new tax that would hurt the ROI," he said in testimony. "Pennsylvania has had an incentive program for several years, allocating over \$25 million to alternative fueled vehicle projects. It has been so successful that they have renewed the program."

Jeffrey Erb, president of the Ohio Association of Convenience Stores, raised concerns in his testimony over a proposal to change the point at which the MFT is collected. The proposed change would allow for the MFT to be collected at the refinery rack starting in 2018. Currently, the tax is paid at the wholesale level, giving business owners about a month after purchasing the motor fuel to sell it and collect taxes from customers before paying taxes to the state.

The change in the point of collection for the tax could generate as much as \$92 million per year in revenue, according to the Legislative Service Commission.

Mr. Erb said the change would negatively impact small businesses.

"I asked myself who would benefit by this change. The only answer I could come up with that made sense was big oil. They will be the ones to hold the excise tax if this change is made. There certainly is no crisis in collecting the excise tax now. The Ohio Business Gateway is very efficient for reporting and collecting the tax," he said.

"I also don't see this as being particularly helpful to the government. I hope the government does not see itself as more important than the honest hard working businessmen that produce goods and services that actually allow the government to function."

Rep. Rob McColley (R-Napoleon), the bill's sponsor, said in a recent interview that amendments are likely to address both of those issues. He also said a potential change allowing deputy registrar fees to increase could be in the works. (See Gongwer Ohio Report, February 13, 2017)

Aldo Filippelli, president of the Ohio Deputy Registrars' Association, said in his testimony that a fee change is warranted given the current \$3.50 level was set in 2004.

He requested the fee be boosted by \$2.50 with additional increases of 50 cents in 2020 and 2021.

Rep. Robert Sprague (R-Findlay) questioned if it would be more appropriate to phase in such an increase over time.

Mr. Filippelli said that may have worked six or seven years ago, but at this point he is losing employees because of the salaries he is able to pay.

Joe Bowsher, a deputy registrar for the past two decades, said that since the last fee increase, operating costs have increased significantly.

"As an employer, I find that the wages that I pay are below other employers in my area including Wal-Mart, White Castle and most non-skilled positions. As a small business owner, it frustrates me that my employees are paid \$10 per hour with little or no benefits, and the state employees in the same job are earning \$6 more each hour plus benefits," he said in testimony. "For me to raise wages for my staff to the same amount as state employees would cost me over \$120,000 per year, not including taxes and benefits."

Rep. Dan Ramos (D-Lorain) questioned Mr. Bowsher on the number of his employees that receive public assistance. "The state of Ohio is not saving any money if your employees are on public benefits," he said.

Mr. Bowsher said that at least one of his 13 employees receives public assistance.

Several proponents of public transportation also urged lawmakers to make additional investments in the area.

Jason Warner, manager of government affairs at the Greater Ohio Policy Center, applauded a proposal to use federal money to increase funding for public transportation by \$10 million for a total of \$33 million. However, he said the state could do more and suggested that an additional \$17 million in federal funds be flexed for public transportation.

"Setting aside a total of \$50 million in FHWA funding to public transit will result in 7.5 fewer miles of highway expansion, or 24 miles of highway repaired per year. For perspective, ODOT paved 5,564 lane miles in 2015," he said in testimony.

"Allocating \$50 million per year of FHWA fund to transit-related capital investments will have negligible impact on Ohio's crucial highway maintenance and construction programs, while significantly improving safety, performance, and use of Ohio's public transportation systems."

Asked about the impact that public transportation can have on the tourism industry in a city, Mr. Warner used the example of Cleveland, which hosted the 2016 Republican National Convention, and Columbus, which lost out to Philadelphia for the Democratic National Convention. Public transportation played a major role in that, he said.

"There was no other method for them to get down to where the main convention site was going to be," he said of Columbus and the lack of transportation options from John Glenn International Airport.

Nathan Alley, transportation policy coordinator for the Ohio Chapter of the Sierra Club, echoed many of those sentiments in his testimony. He told the panel that for every \$1 invested in public transit, it generates \$6 in economic activity.

"We appreciate the allocation of additional flex funding to transit in this proposed budget, but even with that allocation, it is our understanding that transit would still be left with a \$20 million deficit because of anticipated changes to our state sales tax structure," he said.

"Please do all that you can in this budget cycle to ensure that we achieve economic development, increase employment opportunities, reduce urban sprawl and congestion, and create more livable communities for all Ohioans."

Akshai Singh of Ohio for Transportation Equity told the panel that the state needs to invest \$192.4 million in capital and \$96.7 million in operating funds just to meet existing demand for public transportation services.

"Ohio needs a 21st century transportation system, made up not only of roads and highways, but also a complete network of affordable, accessible, and sustainable transportation options, including public transit, passenger and freight rail, electric buses and vehicles, and walk-able, bike-able streets. We need at least \$300 million a year - to address the cost of backlogged capital needs, and start to build a system of transit alternatives for the future," he said in testimony.

Katie Frederick, executive director of the American Council of the Blind of Ohio, asked lawmakers to increase funding for public transportation from its current level of 1% to 10%.

The Cincinnati chamber applauded the \$10 million increase in funding for public transportation, saying it will allow the Southwest Ohio Regional Transit Authority to replace aging and outdated vehicles.

"At the beginning of this year, SORTA had 63 buses past their 12- year useful life," the group wrote. "Every year beyond this threshold means increased operating and maintenance costs. A 15- year- old bus costs 133% more to maintain than a 10- year- old bus. As of January, Metro had 40 buses that are 15 years old or older, resulting in more than \$500,000 in additional annual operating expense. This additional \$10M can help unlock federal resources to more rapidly replace the outdated fleet that currently transports people throughout our region."

The group also said that it would be supportive of an amendment to increase funding to Transportation Improvement District across the state. It also noted its support for increased investment in transportation technology.

"As you review programs to pilot innovations in transportation, we look forward to working with you to identify opportunities in southwest Ohio to deploy new technology and bring our state to the fore of innovation in transportation," it wrote.

Also providing testimony was Shane Lieurance, a deputy registrar, and the Cincinnati USA Regional Chamber, the latter in written form.

### **Senate Committee Debates Bill On Poll Workers, Death Notifications By Election Boards**

A Senate panel Wednesday questioned a bill that would reduce the minimum number of election officials needed at certain precincts and change requirements for boards of elections to notify households when deceased individuals are removed from voter rolls.

Members of the Senate Government Oversight and Reform Committee said they wanted to ensure polling places have proper supervision and that people know if they are mistakenly removed from voter rolls.

The bill (SB 21) would grant permissive authority for county boards of elections to reduce the minimum number of election officials from four to two in multi-precinct locations that use electronic poll books, sponsor Sen. Joe Uecker (R-Loveland) said.

"Electronic poll books are revolutionizing voting in precincts across Ohio," he said. "These digital tablets are currently utilized by fifty-five counties. Their use will continue to increase as more counties take advantage of enacted state funds to assist in the cost. Electronic poll books eliminate reliance on traditional paper poll books creating a better and more efficient experience for voters and poll workers."

That authority is permissive, meaning boards of elections would have the right to do so but would not be required, he said.

Sen. Edna Brown (D-Toledo) said she was worried the county board would be pressured to cut costs even if they didn't think it was the best course of action.

"My concern is that county commissioners might pressure boards of elections to make these reductions and then perhaps cause other problems," she said.

Sen. Uecker said the bill would help county boards in areas where one party is dominant and they have trouble finding enough election officials of the other party.

"I think it makes a more proper as well as a more efficient election process," he said.

Sen. Brown suggested the bill require it to be a bipartisan decision by the board of elections to reduce the number of election officials required, and the sponsor said he'd be open to exploring possible amendments.

Sen. Frank LaRose (R-Hudson) said he was worried that having fewer election officials could mean there would be times when only officials from one party were working.

"When there's only two, my worry would be that during the normal ebb and flow of the day as people take a lunch break, a bathroom break, that you have bipartisan oversight," he said.

The bill would also remove a requirement that a board of election send notice to a person's address when the board cancels a voter registration because it received a report of his or her death. Families have complained to boards of elections, Sen. Uecker said, about the emotional toll of receiving such notices.

Sen. LaRose said he was concerned that removing the requirement could lead to voters accidentally being removed from the rolls and not finding out until they go to vote. He said that recently happened to a Legislative Service Commission staffer.

"The idea was that just like any other change in voting status, there would be a notification sent to the household," he said.

Sen. Michael Skindell (D-Lakewood) said stopping the notifications could lead to some people being unable to vote. That outweighs the concerns of families who are upset by receiving the notification, he said.

"Causing cancellation is the greater harm," he said.

Sen. Brown said she would like to hear more from county boards of elections about how they receive death notifications.

Sen. Uecker said he would be open to whatever the committee decides to do with the provision, but asked that members keep an open mind and hear testimony from local election officials.

### **Dating Protection Order Bill Eyed For Quick Committee Approval**

A priority House bill to permit domestic partners to obtain civil protection orders appears poised for quick committee passage, according to the committee's chairman.

The measure (HB 154) would close a loophole that sponsor Rep. Emilia Sykes (D-Akron) said "leaves thousands of Ohioans without recourse in the event of dating violence."

After a first hearing Wednesday featuring emotional testimony from domestic violence survivors and advocates, House Civil Justice Committee Chairman Rep. Jim Butler (R-Oakwood) said the bill should move quickly.

"We'll probably have it for a possible vote next week," he said.

That's good news for Rep. Sykes and other advocates who were disheartened when the bill which had been on the verge of passing fizzled out during the lame duck session when the Senate declined to take a concurrence vote.

In that case, the language from Rep. Sykes and former Rep. Christie Kuhns was amended into a separate bill on the House floor during the final night of session. The Senate then opted not to move the bill, saying the amendment was too "complicated" to pass at the zero hour. (See Gongwer Ohio Report, December 9, 2016)

Now the bill is back with the support of Republican House leadership and with Rep. Nathan Manning (R-N. Ridgeville) stepping in as lead co-sponsor in place of former Rep. Kuhns.

In her testimony, Rep. Sykes said abuse victims who don't meet the statutory definition of domestic violence have too little recourse to protect themselves and their children.

"House Bill 1 is necessary because Ohio currently defines domestic violence as violent acts occurring between spouses, family members, those cohabiting, living as spouses, or individuals who share a child in common," Rep. Sykes said. "People in ongoing, substantial, intimate, and dating relationships are not included."

Rep. Manning emphasized the bill would not create an additional class of protection order. Rather, it would fold domestic partners into those eligible to apply for existing orders.

"Due to the risk of ongoing violence in these situations, it is important that all victims of abuse have resources to protect themselves," Rep. Manning said. "Many people argue that a piece of paper is not going to protect someone from harm, but studies have shown that violence stops completely or is significantly reduced when a protection order is in place."

Others testifying in support included representatives from the Summit County Victim Assistance Program, Northeast Ohio Medical University and its police department, and Cleveland Clinic Akron General along with a Summit County Juvenile Court judge.

But perhaps the most powerful testimony came from a pair of domestic violence survivors who described in detail their experience.

Victoria Morgan described having her own protection order request rejected only to see her attacker later force his way into her home and kick her twice down a staircase.

"A lot of times, people only think about the physical signs of abuse," she said. "But the emotional is so much worse. Going through counseling, putting my children through counseling. ... I urge you to pass this bill. It's needed."



Liv Out Loud Founder and CEO Diona Clark recounted her experience in which she ended a relationship, and then her ex-boyfriend arrived at her new home with a gun, trapping her inside.

"After about an hour, he finally let up from the door and I went to reach for the doorknob and he shot me twice at point blank range, once in the chest and once in the wrist," she said.

"My life was spared, but another life could be lost due to lack of proper protection and services to turn to," she continued. "HB 1 can provide adequate help for individuals in need. I am determined to fight for individuals who are victimized; therefore I am determined to fight for HB 1."

### **Opponents Of 'Pastor Protection Act' Warn Of LGBT Discrimination, But Speaker Expresses Support**

Speaker Cliff Rosenberger indicated support Wednesday for a controversial bill on same-sex marriage, which a couple hours later was the target of intense criticism from several clergy members and other opponents.

Similar legislation (HB286, 131st General Assembly) was introduced in the last legislative session but never cleared committee.

However, Speaker Rosenberger (R-Clarksville) said after session the bill (HB 36) is a priority for many House Republicans, and that it would reaffirm protections already enshrined in the Ohio Constitution.

"We have a lot of people in the caucus interested to see something happen with this," he told reporters.

The speaker said his caucus is going to talk more about the bill next week.

"The state constitution already provides for a lot of protections and I think what we'll be doing is passing a bill that just reaffirms that," he said.

Prior to Wednesday's committee testimony, which focused on opponents, Rep. Nino Vitale (R-Urbana) amended the bill with language he said would clarify that it does not invalidate other rights of clergy members.

Afterward, a Democratic lawmaker, nearly a dozen pastors and others denounced the controversial measure, which would codify that no licensed minister or religious organization is required to perform or host a marriage ceremony that does not conform to their religious beliefs.

Delivering testimony to the panel, Rep. Nickie Antonio said the so-called Pastor Protection Act is unnecessary, offensive to members of Ohio's LGBT community and has the potential to damage the state economically.

The Lakewood Democrat said in testimony that both federal and state law provide religious freedom protections that prevent ministers and religious institutions from being forced to take part in wedding ceremonies with which they disagree. She likened the legislation to a controversial North Carolina law that prevented local governments from implementing anti-discrimination laws and forced transgendered individuals to use the restroom of their birth gender.

"If we codify discrimination in Ohio through this bill, we could open the floodgates to confusion and the public's overall disgust with discriminatory legislation," she said. "We need look no further than North Carolina to know that bills that would codify discrimination, don't sell. In North Carolina, PayPal cancelled 400 jobs, Bruce Springsteen canceled his concert, the NBA pulled the All-Star Game, and the NCAA moved its championship games out of state, costing millions, if not billions in lost revenue and payroll."

Rep. Antonio instead suggested that lawmakers move legislation that would ban LGBT discrimination in employment and housing.

"No matter how this debate goes forward I believe it is important for us to remember that we may disagree and discern another person or group to be wrong-but when that discernment causes us to value another person or group less, then we've crossed the line into judgment, condemnation, and exclusion," she said. "I am hopeful we will not cross that line. I respect the members of the clergy who have concerns my hope is that we will experience mutual respect for the dignity and worth of all couples including same sex couples."

Rep. Janine Boyd (D-Cleveland Hts.) asked Rep. Antonio, the first openly gay member of the Ohio legislature, if she and her married partner considered having their wedding ceremony in a place of worship that is not open to non-traditional marriage.

"We went to the place that we knew would embrace us, that would celebrate us," Rep. Antonio replied.

Rep. Michael Sheehy (D-Oregon) asked if she is aware of any lawsuits filed due to a member of the clergy's failure to solemnize a marriage. Rep. Antonio said she is not aware of any such litigation. Even so, she said the bill would not prevent such a lawsuit from being filed.

"With or without this law, anyone in Ohio has the ability to file a lawsuit if they feel they have been wronged," she said.

Rev. Virginia Lohmann Bauman, senior pastor of St. John's United Church of Christ in Columbus, called the legislation "a thinly veiled attempt to legitimize bigotry" and drew a

comparison with the U.S. Supreme Court case of *Loving v. Virginia*, in which the high court struck down laws banning interracial marriage.

"And yet for decades after that case was decided, and in fact, even today, racist pastors in their own churches refuse to marry, with impunity, inter-racial couples they deem unfit to be married in their church," she said in her testimony. "And that right to officiate, or not, in the pastor's own house of worship, is constitutionally protected by our federal and state constitutions. Interestingly, at no time after the *Loving* decision did the Ohio legislature find it necessary to 'protect' pastors from being 'forced' to marry inter-racial couples outside of that pastor's faith beliefs."

Rep. Niraj Antani (R-Miamisburg) took issue with the characterization that the legislation is an attempt to "legitimize bigotry" and questioned Ms. Lohmann Bauman on how she could be so certain that there is no need for the measure.

"There is no precedent for this. How can you say this is redundant?" he asked.

Ms. Lohmann Bauman responded by saying that it is not the job of the legislature to legislate "hypothetical fears" and said that U.S. Supreme Court Justice Anthony Kennedy in the *Obgerfell* decision legalizing same-sex marriage made clear that it would not interfere with religious protections provided by the First Amendment.

Rep. Ron Hood (R-Ashville) questioned whether Ms. Lohmann Bauman was characterizing those members of the clergy who support the measure as bigots. (See Gongwer Ohio Report, February 8, 2017)

"I do believe they are asking the legislature to do something inappropriate," she said, adding that the question would be best answered by each of the members of the clergy supporting the legislation.

Rep. Stephanie Howse (D-Cleveland) asked Ms. Lohmann Bauman if she is aware of any lawsuits filed against a member of the clergy that has refused to conduct a marriage ceremony for any reason.

"There are none that I'm aware of," she said.

Ms. Lohmann Bauman was among 11 members of the clergy that submitted testimony in opposition to the bill.

Rev. Joseph M. Cherry of the Unitarian Universalist Society of Cleveland raised the specter that the legislation could pave the way to allow civil servants to discriminate against members of the LGBT community.

"Civil servants must fulfill the law or face the consequences," he said in his testimony. "They are not subject to exception based upon their faith, religion or tradition. If they do not wish to perform all of the duties that their civil position requires, they are free to seek other employment. No one is conscripted into civil service."

Rev. J. Bennett Guess of the United Church of Christ, who said he refused to sign marriage licenses for the 11-year period in which the ban against same-sex marriage was enshrined in the state constitution, called the bill "a solution in search of a non-existent problem."

"'Bogus' is the only word I have for it," he said in prepared testimony. "While purportedly designed to protect clergy and places of worship from performing or hosting marriages against their wishes, it is unnecessary and a complete waste of taxpayers' time and money."

Opposition testimony, however, was not confined to members of the cloth and Rep. Antonio. Alana Jochum of Equality Ohio told the panel that the legislation gives wide latitude to undefined "religious societies."

"Religious entities play many roles in our state. Catholic Charities and Salvation Army, for example, provide a host of social services, crisis intervention, temporary housing, after school programs, and even food assistance. Many receive state and federal funding to do so, and are obligated to serve everybody equally in these programs," she said in prepared testimony. "Religious entities, therefore, are not always simply 'houses of worship;' they also include entities that engage in commerce -- by operating conference centers, reception halls, engaging in equipment rental, and much more."

Lisa Wurm, policy manager for the ACLU of Ohio, said her organization would defend the freedom of religion if clergy members were required to conduct marriages that violate their religious tenets.

"At the same time, we will not allow the guise of religious freedom to harm others," she said in prepared testimony. "This is what it means when religious liberty turns from acting as a shield to a sword. We've rejected the sword approach during the civil rights era, when religion was used as a reason to refuse integration in businesses and in our public areas. We need to continue to reject it now."

### **Senate Resumes Debate Over Disposal Of Fetal Remains**

Legislation dealing with the disposition of fetal remains from abortions had its first hearing in a Senate committee Wednesday, with some members voicing concerns that it would face legal challenges.

The bill (SB 284) is similar to one introduced last session (SB254, 131st General Assembly) as part of a flurry of legislation that followed an investigation by Attorney General Mike DeWine into the disposal of remains.

The measure's sponsor, Sen. Joe Uecker (R-Loveland), told the Senate Government Oversight and Reform Committee the bill is designed to ensure the proper disposal of remains.

"Last year it was brought to my attention that the Ohio Revised Code does not contain procedures regarding the disposal of aborted infant remains," he said. "In fact, most states lack such policies."

The bill declares that an abortion facility can only dispose of aborted remains through cremation or interment and grants the mother the right to determine the final disposition of remains, Sen. Uecker said. It would also require the Department of Health to maintain records of the woman's decision and the final disposition.

Sen. Kenny Yuko (D-Richmond Hts.), the ranking Democrat on the panel, said similar legislation in Indiana and Texas has been challenged and overturned in courts, and he was worried it was setting the state up for expensive legal issues.

He also said there didn't appear to be any real reason for the bill, as investigations have not turned up a pattern of problems with the disposal of remains.

"I know as legislators, we get contacted by people asking us to look at possible legislation and here's the reason why," he said. "I just can't think of the reason why in this case."

Sen. Uecker said the state should take steps to ensure fetal remains are respected.

"I believe that the right to life is the very first right we have, possibly the most important right we have," he said. "I believe that the way society shows this is crucial."

He also said he believed there were differences between his bill and the legislation in Texas and Indiana, and that it would be more likely to withstand judicial scrutiny.

Sen. Frank LaRose (R-Hudson) asked if the bill would apply to all fetal remains or just those from surgical abortions. The sponsor said it would only apply to the remains from surgical abortions.

Sen. Michael Skindell (D-Lakewood) asked if it was appropriate for the state to single out one kind of fetal remains.

"What state interest is being served by the unequal treatment of just surgical fetuses versus any other fetal death?" he asked.

Chairman Sen. Bill Coley (R-Liberty Twp.) said he and the committee will take a serious look at vetting all of the legal implications of the bill with the hopes of avoiding burdening the state with lawsuits.

### **Senate Advances Measure Creating Perry County Municipal Court**

Once again, the Senate unanimously passed legislation to establish a county municipal court in Perry County.

The latest 33-0 vote, during a session Wednesday, marked the third time the chamber has approved the bill. In the most recent instance, the bill cleared the Senate, only to be held up in a House committee during the 2016 lame duck session. (SB 299, 131<sup>st</sup> General Assembly)

"This will be the third time this body has voted on this and it's my hope the House can act expeditiously on it and we can secure timely order of justice for the citizens of Perry County," sponsor Sen. Jay Hottinger (R-Newark) told colleagues on the Senate floor.

In addition to creating the court, the bill (SB 25) authorizes one full-time judgeship and provides for the nomination of that judge by petition. Upon its effect, the bill would abolish the existing Perry County Court and designate the county's clerk of courts as the clerk of the newly formed court.

Supporters - including the Ohio Supreme Court - say the court is needed after New Lexington eliminated its mayor's court in 2013, a cost-saving move that increased the caseload of other county courts from 1,800 cases a year to between 5,000-6,000 cases a year.

The bill contains an emergency clause, which was accepted by a 33-0 vote. That provision was necessitated, Sen. Hottinger said, by a committee amendment requested by the Ohio Supreme Court.

Added earlier this week, the amendment allows members of the Criminal Justice Recodification Committee to continue serving after they're no longer officeholders.

The Senate also unanimously passed a resolution (SCR 4) that permits the Senate President and House Speaker to appoint individuals to write arguments for and against proposed constitutional amendments.

Similar provisions have been passed unanimously each session since 1974, said sponsor Sen. Bob Peterson (R-Sabina).

**Obhof Gaggle:** Speaking to reporters after session, Senate President Larry Obhof (R-Medina) said he anticipates the chamber will act quickly on approving the governor's request for a joint session April 4 in Sandusky for the State of the State address. (See Gongwer Ohio Report, February 13, 2017)

Formal resolutions to convene the joint session had not been introduced by lawmakers in either chamber as of Wednesday afternoon.

"I think it's a great opportunity to showcase some of our natural resources, particularly the lake," he said. "I've spoken with (Sen. Randy) Gardner several times about possible activities up there and I think this will give us a chance to focus on some of the water quality efforts we've done over the last few years and maybe some that are coming up and to highlight Ohio's tremendous tourism industry."

He said the Senate could hold two or three committee meetings on site in Sandusky, although no firm plans have been made.

Asked about the recent introduction of a House right-to-work bill (HB 53), Sen. Obhof said the issue isn't a priority for Senate leadership.

"As with any piece of legislation, we'll give thoughtful consideration to anything that comes to our chamber," he said. "I would say you'd have to speak to the individual caucus members but we have done significant reforms in recent years.

"I'm not aware of anybody in the Senate that plans to introduce a bill about that subject but there are 33 members and I haven't called the other 32 to see where everybody is on what bills everyone's introducing. I don't micromanage like that," he continued.

### **Bill To Start School After Labor Day Will Get Thorough Review, Lehner Says**

It is unlikely that watchers of a bill that would move the first day of school to after Labor Day will know soon whether it has the Senate Education Committee's support.

Chairwoman Sen. Peggy Lehner (R-Kettering) said she's planning for long discussions on the bill (SB 34) as well as another to create a funding program for school technology infrastructure upgrades (SB 8).

"I think both of the ones that were in (committee) today are going to require a fair amount of hearings," she said.

The panel will also extensively review anticipated legislation on end-of-course exams and student suspensions in addition to a recently referred bill (SB 39) addressing questions about e-school attendance tracking, she said.

The school start date measure, sponsored by Sen. Gayle Manning (R-N. Ridgeville), has generated considerable buzz among school districts and parents since it was first unveiled late in the last General Assembly.

Waiting to open schools until after Labor Day would alleviate issues caused by a lack of air conditioning or functioning windows in schools when it is hot, as well as give families more time to vacation, Sen. Manning said.

"This additional vacation time for families also helps to promote economic activity," she said. "This can create and maintain jobs, providing additional local tax revenues that support our schools and local public safety resources."

Sen. Manning stressed that the bill shouldn't interfere with local control because it has an opt-out provision allowing school boards to continue setting the start dates of their choosing. Boards would be required to hold a public hearing before voting to opt out.

The change from calculating the school year in days to hours would also make it possible for districts to maintain their current end dates while pushing back the start date, she added.

While tourism industry leaders are expected to once again testify in support of the measure that they say will benefit the state's economy, it's likely many school districts won't be in favor.

Sen. Lehner said after the meeting that she's "open to" starting school in September because other states already require it without issue. However, she acknowledged there could be logistical problems and that public hearings on the issue have the potential to cause rifts between schools and parents.

"At what point does it become an opt out versus a, 'Hell no we won't go,'" she questioned.

Regardless of concerns and the inability of the proposal to pass through previous legislatures, the chairwoman at the end of Wednesday's discussion promised Sen. Manning that the bill will continue to be seriously considered.

The committee also heard sponsor testimony on a bill to allow schools that are low on the School Facilities Commission's priority funding list to receive dollars now for technology and safety upgrades. A companion measure (HB 37) started its journey through the House Education and Career Readiness Committee on Tuesday. (See Gongwer Ohio Report, February 14, 2017)

Joint sponsor Sen. Randy Gardner (R-Bowling Green) said he'll be pushing to move the bill through the upper chamber before spring break.

"This was a recommendation in Senate Bill 3 (in the 130<sup>th</sup> General Assembly), but this amps this issue up another notch to do something that we believe can be very meaningful for schools and school children around the state," he said of the bill that would require the School Facilities Commission to create a technology infrastructure funding program as opposed to current law that permits it.

Sen. Gardner told committee members that the two-page bill would give OSFC the ability to structure the program in the way it deems best after receiving input from stakeholders.

Despite his optimism that the bill will be reported out of committee in the next few weeks, Sen. Lehner said it will likely require multiple hearings and stakeholder meetings to continue "ironing out some of the questions."

She suggested that the sponsors consider whether charter schools would be eligible for the funding and Sen. Vernon Sykes (D-Akron) raised questions about if and how district priority would be determined.



## **Victim's Rights Group Announces Campaign Kickoff**

Law enforcement officials and advocates on Wednesday announced the official kickoff of a statewide campaign to enshrine new requirements for the treatment of crime victims into the Ohio Constitution.

Supporters of the so-called Marsy's Law, named after a murder victim who died in 1983 and patterned after similar laws in other states, appeared at a Statehouse news conference and urged support for the changes, which if the coalition is successful would appear on the Nov. 7 ballot.

The Marsy's Law for Ohio amendment would mandate that crime victims: Receive notification of all legal proceedings; are provided the opportunity to be heard during the various steps of the process, such as parole hearings; are allowed to give input on plea deals; and are provided restitution resulting from the financial impact of the crime.

"By placing guarantees into the Ohio Constitution that a victim's rights will be protected, Marsy's Law for Ohio will be another important tool for prosecutors in the battle to help crime victims," longtime Franklin County Prosecutor Ron O'Brien said in a statement.

While the state's constitution already includes some protections for crime victims, supporters of the amendment say they don't go far enough.

"The rights of crime victims are too important to be allowed to fall through the cracks in the criminal justice system," Franklin County Sheriff Dallas Baldwin said. "I have long believed that the rights of crime victims should be respected just as much as the rights of the accused. Marsy's Law for Ohio is a much-needed change to Ohio's constitution."

Also appearing at Wednesday's event were representatives of crime victim advocacy groups and survivors of violent crimes.

"My rights as a victim in the domestic violence case against my husband were routinely violated and no one in the system seemed to care," crime victim Danielle Morlan said. "Marsy's Law for Ohio will change that and give crime victims the ability to protect and enforce their rights."

The campaign committee was cleared to begin collecting signatures last week when the Ohio Ballot Board agreed the proposal constituted a single issue. (See Gongwer Ohio Report, February 8, 2017)

Supporters have until July 5 to gather 305,591 valid signatures and meet other requirements to qualify for the fall ballot.

## **Lawmaker: CAUV Formula A 'Major Butt-Kicker' For Farmers**

Sen. Cliff Hite (R-Findlay) on Wednesday renewed his effort to overhaul the Current Agricultural Use Value tax formula in testimony before the Senate Ways & Means Committee.

The proposal he outlined (SB 36) is identical to his prior bill on the subject (SB246, 131<sup>st</sup> General Assembly), he said. But he's hoping this year's bill will fare better than the last, which received six hearings in the Senate but failed to advance beyond committee.

"I understand the angst. I'm sure the Department of Taxation is going to pull their hair out," Sen. Hite said. "We've been thinking about this and talking about this for a long time. It's time to do something. It's time to give relief to these farmers."

Farmer groups for their part have already vowed to "carry the CAUV fairness fight into 2017." They say the formula that has worked fine for decades has become skewed and is driving up their tax burdens, threatening to force them out of the profession. (See Gongwer Ohio Report, December 20, 2016)

Opponents, including statewide school groups, have previously opposed the change out of concerns it will negatively impact school funding.

Predicting that those concerns will return before the committee in testimony this session, Sen. Hite urged lawmakers to put themselves in the position of farmers.

"If any of you were doing your taxes this time of year and you discovered your taxes were going to go up 300% you would freak out, especially if you're on a fixed income, especially if you're a brand new, let's say, farmer trying to get started," he said."

The bill would prohibit the use of certain nonagricultural factors in the valuation of farmland, which the sponsor said would improve the accuracy of the formula.

"Including these assumptions has no bearing upon the land's capability to produce agricultural income, which is the sole purpose of the CAUV formula," he said. "These factors arbitrarily inflate the value of farmland based on market considerations and do not in any way account for how much income is achieved."

The bill would also remove disincentives to engage in conservation practices, which he said undermines the formula's original intent to preserve land.

"If I don't have an incentive to keep my woodlands, I'm going to plow them down and make more money," Sen. Hite said. Although that is currently happening, he said, it's not yet occurring on a large scale.

He acknowledged that the taxation percentage for some farmers is currently going down, but asked lawmakers to keep that in perspective.

"To me going from (a) 350% (increase) to 310% is going down but, in layman Coach Hite language, it's a major butt-kicker anyway," he said. "It's not even apples and oranges. It's like apples and squirrels."

In response to questions, Sen. Hite committed to providing specific numbers on several aspects of the issue to senators moving forward. Among the unanswered questions was how the CAUV applies to urban farmers.

Sen. Hite did express support for an idea from Sen. Louis Terhar (R-Cincinnati) to implement a "collar" on the formula so that the taxes owed in any one year could not rise above or drop below specific levels.

"But there's a caveat," Sen. Hite replied. "The formula from the '70s has the capacity to also go down and so if you change that formula the chances of going way down would be eliminated with the (collar). I don't know what is better."

Sen. Peggy Lehner (R-Kettering) requested more detail on woodland preservation regarding the CAUV. Sen. Hite replied that the woodland in question is typically small and serves as a wind or snow buffer. Under the current formula, however, farmers stand to gain money from clearing that land to free up new farmland, he said.

Sen. Bob Hackett (R-London) agreed that something must be done. He criticized a time lag present in the formula in which farms going through tough times are still paying taxes for healthy years from 2012 and 2013. Meanwhile, he said, the industry is struggling with historically low interest rates and simultaneously high crop prices.

"We just have to update the rules and make them fit the times," Sen. Hackett said.

Sen. Bob Peterson (R-Sabina) agreed the historically low capitalization rates have "skewed the formula" and forced land values to be higher than they should be.

Predicting a robust discussion on the issue as the bill moves forward, Sen. Hite requested committee members keep in mind the importance agriculture plays in Ohio's economy. Potential farmers are being deterred from entering the profession, he said.

"We can't allow that to happen when it's our number one industry in the state of Ohio," he said. "This is a change to make sure we preserve that."

### **Insurers, Regulators Eyeing DC For Health Policy Changes**

State insurance regulators and the health insurance industry are closely monitoring the federal debate over the future of the Affordable Care Act to determine the impact that changes could have on Ohio consumers and the marketplace, stakeholders told a House panel on Wednesday.

Jillian Froment, deputy director of the Ohio Department of Insurance, and Miranda Motter, president and CEO of the Ohio Association of Health Plans, both said changes could have a far-reaching impact on the Ohio market.

Ms. Froment told the House Insurance Committee that the full impact of any federal changes won't be known until a final product is in place.

She said, however, that insurers will be filing their 2018 rates and policies within the next two months. "We are incredibly concerned about what this looks like for Ohio," she said.

Ms. Froment noted that those filings will be based on current law. If there are changes, ODI will have to be flexible to accommodate for adjustments.

"At this point, they're looking for clarity," she said of insurers. "And that's what the department's looking for."

Ms. Motter said federal changes could either bring stability or volatility to insurance markets.

The federal law, she said, did little to address health care costs, and said efforts should be made to identify key cost drivers - including medical service rates and prescription costs. Further, she said OAHP wants to increase transparency so Ohioans have more information about the cost of the medical services they are obtaining.

Other key cost-related issues, she said, are state and federal mandates, taxes and fees.

**ODI:** In an introductory presentation, Ms. Froment told the panel the agency regulates insurers and agents across Ohio, and is pleased that Ohio is home to a robust insurance industry. The agency's goal is to assure consumer protection while promoting a stable and competitive environment.

She said Ohio is the sixth-largest state by premium volume, and represents the world's 17<sup>th</sup>-largest insurance market.

She told Rep. Michael Henne (R-Clayton) that the use of data analytics is at the center of the rate-setting process. Rates, she said, need to be tied to the risk of loss or expense.

Rep. Andy Brenner (R-Powell) asked how the department will be reviewing auto insurance rates with the expected increase in the use of automated vehicles.

Ms. Froment said that will be a big issue in the future, adding the agency expects the industry to come to an agreement the same way insurance issues were addressed with ride-sharing services like Uber.

Discussions on that front are ongoing with large auto insurers, she said. "We're seeing them come to the table with some really good ideas."

**OAHP:** Ms. Motter said her members want to promote quality care and affordable coverage.

She said 52% of Ohioans receive their coverage through employer-sponsored plans, and a majority of those employer plans are self-insured. That means local business leaders are often the ones determining the scope of coverage for the majority of Ohioans.

A key issue for insurers is the cost of health services, Ms. Motter said. "If health care is expensive, health insurance is expensive," she said.

Ms. Motter also said lawmakers can take another step to address Ohio's opioid problem by limiting the availability of medication that can be addictive. She said OAHP backs federal recommendations to reduce the number of pills that are issued to treat certain conditions.

She also told Rep. Wes Retherford (R-Middletown) that the group opposes budget language that would eliminate transparency reforms that were included in the previous budget bill.

Rep. John Boccieri (D-Alliance) raised questions about the importance of having health insurance coverage be portable, given new research indicating that many young people will change jobs many times over their lives. Ms. Motter said that is an issue that can be discussed among member plans.

**OII, AOLIC:** Dean Fadel of the Ohio Insurance Institute and Greg Lestini, representing the Association of Ohio Life Insurance Companies, also briefed the committee on the role and scope of their members' industries.

Mr. Fadel said there are 972 property and casualty companies licensed to do business in Ohio, and strong competition helps keep the state's average rates well below national averages.

The state's average auto insurance rate is the 12<sup>th</sup> lowest, while the average homeowner's insurance rate is 30% less than the national average, he said.

He said the industry is a key economic driver, accounting for a significant number of employees and economic activity.

Mr. Fadel said the industry is pleased that a number of educational institutions have added insurance-related programs and certificates, saying that training is important to the industry's future in Ohio.

Mr. Lestini also said Ohio is fortunate to have some of the lowest-cost life insurance options available.

He said 40 life insurers are domiciled in the state, and all insurers have six million policies valued at \$960 billion in place. Life insurance companies also make other contributions to the state by investing in mortgages and owning property, he said.

Mr. Lestini said Ohio is known as a stable state in terms of regulation, and it is important that the premium tax the industry pays is preserved. He also cautioned lawmakers against imposing new taxes on out-of-state insurers, saying the threat of retaliatory taxes could create issues for Ohio companies that sell policies elsewhere.

**Subscribers Note:** The presentations are available on the committee's website under Feb. 15.

### **Survey Shows Restaurant Owners Optimistic; Cedar Fair Has Record Fiscal Year; Diebold, DDR Report Financials**

Restaurant owners and operators entered the new year with optimism after a strong finish to 2016, according to Ohio Restaurant Association survey results.

Restaurateurs in the state told ORA that they're planning for a 4% same-store sales increase in 2017 after experiencing an average 3% sales increase across the industry last year.

"The Ohio restaurant scene is dynamic with growth opportunities for concepts with outstanding brand positioning, great food, A+ guest service and flexible models that offer many customer touch points such as mobile ordering and delivery," ORA President and CEO John Barker said in a statement.

"Same-stores sales in Ohio during the fourth quarter were positive for our industry, up more than 3% as we experienced mild weather and strong traffic around the holidays," he added. "Growth slowed in January, but owners are bullish about the year due to strong consumer confidence and a soaring stock market."

About 80 restaurateurs throughout the state with an average of 2.5 restaurants and revenue per company of about \$5.7 million replied to the survey, which also asked about food delivery utilization, food delivery impact, off-premise occasions, and food and labor cost outlooks.

**Cedar Fair:** The Sandusky-based theme park company continued to break records in 2016, ending the year with \$1.29 billion in revenues.

It reported the revenues, which were up 4% from 2015, along with net income, that came in at \$178 million, or \$3.14 per diluted limited partner unit.

The increases go hand-in-hand with others, including a 3% jump in attendance to 25.1 million guests last year, the company said. Average in-park spending also increased 2% to a record \$46.90 per guest.

Out-of-park spending also hit record numbers, coming in at \$146 million - a 6% increase from 2015. Cedar fair attributed those revenues in part to higher occupancy rates and average daily room rates at the company's resort properties.

"We credit this achievement to our unique regional brands and the positive responses we have received for our special events programming and immersive entertainment offerings," CEO Matt Ouimet said. "These individual park brands allow us to provide our guests an experience unmatched by other generic amusement parks. This in turn has resulted in strong guest loyalty within the regions we operate and decades of record growth across all revenue channels."

Based on the year-end earnings report, the company said it's confident it will achieve its long-term growth goal of \$500 million in Adjusted EBITDA by the end of 2017, which is a year earlier than planned.

**Diebold Nixdorf:** The company reported fourth-quarter revenue of \$1.2 billion - an increase of nearly 104% over last year as a result of the acquisition of Wincor Nixdorf.

Full-year revenue also increased 37.1% to \$3.3 billion compared to 2015, the company said. It cautioned, however, that comparisons to previous periods are materially affected by the August acquisition.

**DDR:** The Beachwood company posted fourth quarter net income attributable to common shareholders of \$28.1 million, or \$0.08 per diluted share

For its full fiscal year ended Dec. 31, it reported net income of \$37.6 million, or \$0.10 per diluted share. That's an improvement over last year, when it saw a net loss of \$94.5 million, or \$0.27 per diluted share.

#### **Supplemental Agency Calendar**

**Thursday, February 16**

~~Canceled: Real Estate Appraiser Board, 77 South High Street, 22nd Floor, Columbus, 9:30 a.m.~~

**Wednesday, February 22**

Racing Commission, 77 S. High St., Rm. 1960, Columbus, 10 a.m.

State Personnel Board of Review, 65 E. State St., 12th Fl., Columbus, 10 a.m.

**Wednesday, March 22**

State Personnel Board of Review, 65 E. State St., 12th Fl., Columbus, 10 a.m.

#### **Supplemental Event Planner**

**Wednesday, February 22**

**Ohio Farm Bureau Ag Day at the Capital, Sheraton Columbus Hotel, 75 State Street, Columbus  
Tuesday, March 21**

**Ohio Craft Brewers Association legislative reception, Wolf's Ridge Brewing, 215 N. 4th St.,  
Columbus, 5 p.m.**

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## House Activity for Wednesday, February 15, 2017

### INTRODUCED

- HB 64** ■ **RECORD EXPUNGEMENT** (Schuring, K., Reece, A.) To provide for the expungement of official records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity. Am. 2953.51, 2953.52, 2953.53, 2953.54, 2953.55, and 2953.61.
- HB 65** ■ **SANITARIAN REVIEWS** (Hill, B.) To require the Director of Agriculture and the Director of Health to adopt rules governing reviews of registered sanitarians and sanitarians-in-training who conduct inspections of retail food establishments and food service operations. En. 3717.042.
- HB 66** ■ **TENURED FACULTY** (Young, R.) To require permanently tenured state university or college faculty members to teach at least three credit hours of undergraduate courses per semester. Am. 3345.45 and to enact section 3345.451.
- HB 67** ■ **JUDGMENT CONFESSIONS** (Young, R.) To prohibit a person from obtaining a confession of judgment from another person except in connection with the settlement of a dispute. Am. 1337.53, 2323.12, and 2323.13 and to repeal sections 1907.09 and 2323.14.
- HB 68** ■ **VOYEURISM** (Anielski, M.) To include an impaired person as a potential victim of voyeurism, to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance, and to prohibit an owner, operator, administrator, or employee of a care facility from creating, sharing, reproducing, or publishing any image of a care facility resident without a proper purpose and without prior written consent from the resident. Am. 2903.33, 2903.34, 2907.08, 2907.321, 2907.322, 2907.323, and 2929.13.
- HB 69** ■ **TIF DISTRICTS** (Cupp, R.) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district. Am. 5709.40.

**HB 70** ■

**FUEL TAX DISPLAYS (Merrin, D.)** To enact the "Fuel Tax Transparency Act" requiring stickers to be placed on retail service station pumps displaying the rates of federal and state taxes applicable to gasoline and diesel fuel. En. 5735.50.

## **PASSED**

**HB 4** ■

**COCAINE OFFENSES (Cupp, R., Rogers, J.)** To provide that in determining the amount of cocaine for trafficking and possession offenses, it also includes a compound, mixture, preparation, or substance containing cocaine, and to declare an emergency.

EMERGENCY: 95-1 (Brinkman); BILL: 97-0

Gongwer Coverage

**HB 11** ■

**TAX LAWS (Scherer, G.)** To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law.

97-0

Gongwer Coverage

**HB 32** ■

**CASINO EMPLOYEES (Seitz, B.)** To specify that the criminal penalty related to casino operators and employees participating in casino gaming applies at their casino facility or an affiliated casino facility.

94-3 (Antani, Ginter, T. Johnson)

Gongwer Coverage

## **COMMITTEE HEARINGS**

### **Transportation & Public Safety**

**HB 16** ■

**ROAD NAMING (Cera, J.)** To designate a portion of State Route 43 in Jefferson County as the "Army Corporal Carl H. Bernhart Memorial Highway." (REPORTED (No testimony); 2nd Hearing-All testimony-Possible vote)

**HB 22** ■

**ROAD NAMING (Hambley, S.)** To designate a portion of State Route 261 in Medina and Summit Counties as the "Sergeant James F. Allen III Memorial Highway." (REPORTED; 2nd Hearing-All testimony-Possible vote)

Asley Rae Yeager submitted written testimony in support. "The significance of having a memorial highway designated in his name would mean so much to me personally, his daughter Natalie, son Tristan, as well as friends, family, and military comrades," she wrote.

"It will also stand as a daily encouragement to continue his legacy through goodwill and advocacy."

**HB 9** **TRAFFIC SIGNALS (Koehler, K.)** To specify that the alternative protocol for proceeding into an intersection with malfunctioning traffic lights due to a failure of a vehicle detector applies only to bicycles. (**REPORTED**; 2nd Hearing-All testimony-Possible vote)

Sgt. Nick Konves, of the Columbus Police Bicycle Coordination Unit, testified in support, saying he became aware of the bill that passed last session (HB154, 131<sup>st</sup> General Assembly) after seeing news reports and was concerned that any type of vehicle could treat red lights as stop signs in certain instances. He cited "blind intersections," differences between stop signs and traffic signals at intersections and the potential for crashes at the crossroads.

He said the prior legislation, which allows vehicles to proceed through malfunctioning traffic signals, allows for too much discretion. "This makes enforcement and prosecution very difficult and nearly impossible," he said. "I have testified many times in various court systems during my career and I foresee this causing a big problem for prosecution."

Responding to a question from **Rep. Michael Sheehy** (D-Oregon), the witness said that under the bill a bicycle could still proceed through an untriggered traffic signal after a "reasonable amount of time."

Patricia Kovacs, of the Ohio Bicycle Federation, said the bill passed last session should stand and allow for all motor vehicles to proceed through malfunctioning traffic signals. At minimum, motorcycles should also be included because they face the same issues as bicycles, she said.

"This law should really apply to any vehicle," she said.

**Subscribers Note:** Full testimony is available on the **committee's website** under Feb. 15. **Civil Justice**

**HB 1** **DATING PROTECTION ORDERS (Sykes, E., Manning, N.)** To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor & proponent)

**HB 7** **MEDICAL PROVIDER IMMUNITY (Cupp, R.)** To grant qualified civil immunity to certain medical providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the

manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim." (CONTINUED; 1st Hearing-Sponsor)

**Rep. Robert Cupp** (R-Lima) described his bill as the product of months of talks with the Ohio State Medical Association and the Ohio Hospital Association. The Ohio Association for Justice, however, is "not on board" with all of the bill's provisions, he acknowledged. He said the bill would "fill in some of the gaps" in ten areas of existing medical malpractice tort law.

"An unfavorable medical liability climate can lead to expansive and expensive litigation, expensive and sometimes hard to obtain liability insurance, and a diminished supply of medical professionals to meet the needs of patients," he said. "Although the medical malpractice climate in Ohio has significantly improved in the past decade or so as a result of enactments by the General Assembly, there are several things which can further improve medical tort liability law and practice."

According to Rep. Cupp's overview, the bill would:

- Label communications from health care providers communicating error or fault to the list of inadmissible documentation.
- Reduce the need to sweep into the lawsuit unnecessary defendants.
- Permit a notice of intent to file a medical claim to be served by certified mail rather than in person.
- Abrogate the loss of chance theory of tort liability by restoring the "traditional concept of causation by abolishing the judicially-created loss of less than even chance of recovery theory of liability."
- Prevent insurance reimbursement policies from establishing a legal standard of care for medical tort liability.
- Correct existing language regarding nursing home plans of care by exempting hospitals and other providers from the language.
- Maintain the confidentiality of peer review records but clarify that they may be provided to regulators without losing confidential status.
- Prohibit the introduction of "phantom damages" into evidence.
- Provide limited immunity for certain healthcare providers or hospitals acting in good faith and in concert with professional standards when medically discharging a patient who has a mental health condition that may threaten the safety of the patient or others.
- Establish a different liability standard for medical care in the event of a widespread disaster event resulting in "widespread personal injury (or) loss of life that results from any natural or technological phenomenon or act of a human, or an epidemic."

Lawmakers raised several questions about the bill, including several focused on provisions labeling certain communications inadmissible and prohibiting the introduction of phantom damages into evidence.

Rep. Nicholas Celebrezze (D-Parma), for example, questioned whether it was within legislative purview to modify the rules of evidence. And **Rep. Bill Seitz** (R-Cincinnati) asked whether the phantom evidence provision might deter patients from seeking health insurance. **Rep. Kristin Boggs** (D-Columbus) asked who or what would determine whether a disaster qualifies under the bill. Rep. Cupp said that area of the bill could use some extra defining, although his inclination is to allow the jury to decide.

**Subscribers Note:** For full testimony, see the [committee's website](#) under Feb. 15.

## Finance

### **HB 26**

**TRANSPORTATION BUDGET (McColley, R.)** To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs.  
(CONTINUED (See separate story); 3rd Hearing-All testimony)

**Subscribers Note:** Full testimony is available on the [committee's website](#) under Feb. 15.

## Insurance

See separate story.

## Health

The panel met briefly to accept the committee's rules for the new session and have members introduce themselves.

Chair **Rep. Steve Huffman** said the panel would not be meeting next week, and would not meet on Wednesday, April 5, the day after Gov. Kasich's State of the State address, which is scheduled to be held in Sandusky.

## Finance: Agriculture, Development & Natural Resources Sub.

The panel started its budget review work with [testimony](#) from Sarah Creedon, executive director of the Liquor Control Commission. ([Redbook](#))

"The Commission is an adjudicatory and rule-making agency that oversees Ohio's alcohol beverage industry. The agency's mission is to provide fair and impartial hearings to protect the public and the permit holders, and to ensure compliance with Ohio liquor laws and administrative rules," she said. "The agency also adopts and promulgates rules, standards, and requirements regarding alcohol sales in Ohio."

Ms. Creedon said the commission works with the Ohio Investigative Unit, the Attorney General's Office, the Division of Liquor Control, and the Department of Taxation to achieve its mission.

"The Division of Liquor Control is responsible for processing applications and issuing liquor permits. Permit holders can appeal division decisions rejecting liquor permit applications and renewals to the commission. As an adjudicatory body, the commission functions as an administrative court with the same duties and obligations of any court," she explained.

The executive budget provides LCC with \$844,553 in Fiscal Year 2018, which is an 4% over estimated FY 2017 spending, and \$851,269 in FY 2019, which is an increase of 1% from the

prior year. Ms. Creedon said the money for commission operations comes from a portion of liquor permit fee revenue.

"While the commission receives no GRF funding, the commission does contribute to the GRF by depositing all revenue it collects from financial forfeitures issued against permit holders for violations of Ohio's liquor laws and rules," she said. "In fiscal year 2016, the commission collected over \$1.2 million in financial fines and forfeitures and deposited those funds into the GRF. In the current fiscal year to date, over \$1 million was collected and deposited into the GRF."

**Rep. Brigid Kelly** (D-Cincinnati) asked about the impact of the growing craft brew industry on the panel. Ms. Creedon said that while permit requests have increased, she hasn't seen a related uptick in cases before the commission.

She similarly told **Rep. Michael O'Brien** (D-Warren) that she couldn't correlate a caseload increase because of the Investigative Unit's transfer to the Highway Patrol a few years ago. Ms. Creedon told Rep. Kelly that the commission plans updates to its database and other improvements with the additional funds in the budget.

**Racing Commission:** Executive Director William Crawford briefed the committee on the operations of the commission, which regulates horseracing in the state. It also uses no GRF, and instead is funded through taxes on wagers, licensing fees, other fees and fines, and a small percentage of casino revenue, he said. (**Redbook**)

"The majority of the Racing Commission's expenditures are for subsidies to the horseracing industry in the form of additions to purses at live horse races as well as supplements to purses for Ohio horses that win races at Ohio tracks and other promotional expenses," he said. "Regulation expenses include administration expenses which also include officials and veterinarians as well as drug-testing expenses, expenses that relate to investigation, licensing and the enforcement of rules."

The commission's budget request is about \$32.3 million a year over the upcoming biennium. In addition to the five commission members, RAC currently staffs eight full-time and seven part-time positions, according to the Legislative Service Commission. The agency contracts with two stewards, two judges, and five veterinarians.

Chairman **Rep. Andy Thompson** (R-Marietta) asked if declining casino and VLT revenue, which makes up a big chunk of the agency's budget, has impacted its finances. Mr. Crawford said it has not done so considerably.

Rep. Kelly asked about efforts to ensure safety for riders and horses.

Mr. Crawford said the inspection of racing surfaces, which the commission oversees, is the main concern in that regard and that stewards watch races to make sure they are run safely. He told Rep. O'Brien that stewards can cancel races when the temperature dips below a minus 10-degree wind chill factor or following consultation with jockeys and drivers.

Responding to the chairman, the witness said the commission spends about \$1.6 million a year on its drug testing program and investigating potential cheats is "a major concern of ours."

Racing Chairman Robert Schmitz briefly addressed the committee, explaining that the bulk of Ohio's racing industry is tied to Standardbreds and that with the installment of video lottery terminals at horse racetracks, has seen a resurgence after several years of declines.

A Standardbred breeder himself, Mr. Schmitz allowed that he bred his stock outside of Ohio for many years but now there's better breeding stock and other improvements due in part to increased funding from VLTs.

He said racing's impact to the state's agricultural industry is a "very, very big business."

**Sea Grant Program:** Christopher Winslow, director of the Ohio Sea Grant College Program, F.T. Stone Laboratory, and the Center for Lake Erie Area Research, testified in support of the program's budget and outlined its various education, research and outreach initiatives. (**Testimony**)

The program receives just under \$300,000 a year in state funding, which is used to leverage federal grants. (**ODHE-Agriculture Redbook**) The director said the program draws down about \$10 from other sources for every dollar of state funding it receives.

"Historically, Ohio Sea Grant has managed 8-10 research projects annually (~\$480,000). However, since April of 2015, we have increased that research portfolio dramatically. We currently have 119 projects listed within OSU's Office of Sponsored Program's research database," Mr. Winslow said in prepared testimony.

"The program is currently managing \$5 million in funding from the Ohio Department of Higher Education (ODHE; \$4 million in two \$2 million allocations) and OSU's College of Food and Agricultural Sciences (Field to Faucet Initiative; \$1 million) to address Lake Erie harmful algal blooms."

Mr. Winslow said Ohio Sea Grant and Stone Laboratory "are exceptional programs and assets to the entire state."

"We solve environmental problems (more than 50 ongoing research projects), enhance the local economy (i.e., business retention and expansion programming), inform decision-makers, and improve the quality of science education in Ohio," he continued. "I would argue that since we first received funds in 1983, we have annually demonstrated that our line item is not a cost to Ohio, but a wise investment of valuable state funds."

Chairman Thompson lauded the public involvement promoted by the program and asked about invasive species.

The director said invasive mussels are "not going anywhere," and cited gobies as another example of non-native species that have infiltrated the Great Lakes. He said researchers are keeping an eye on four species of Asian carp, as they have made it up the Mississippi River drainage area to within 30 miles south of Lake Michigan.

Responding to questions about algae bloom research, he said the main source of nutrients that cause the problem can be traced to agriculture land management practices but that researchers aren't in the "finger-pointing" business. He said the group taps funds from two endowments to finance educational workshops for farmers on best practices in that regard. Mr. Winslow also told members of the committee that he is working with donors to generate funding for equipment upgrades.

In response to a question from **Rep. Scott Lipps** (R-Franklin), he said buoys used for water quality research cost \$50,000-80,000 apiece.

**Community & Family Advancement**

**HB 36**

**MARRIAGE CEREMONIES (Vitale, N.)** To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage

and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial. (CONTINUED-AMENDED (See separate story); 2nd Hearing-Proponent)

**Subscriber's note:** Full testimony is available on the [committee's website](#) under Feb. 15.

**Finance: State Government & Agency Review Sub.**

The subcommittee began its review with the Board of Embalmers and Funeral Directors.

**(Redbook)**

Tim Derickson, the board's director, testified that a significant issue the agency is facing is the increasing problems with pre-need funeral services, in which a person pays in advance for the service. Cash-strapped funeral service providers sometimes use that prepaid money, which is supposed to be saved until the service is needed, to meet their bottom line. That trend causes an increase in the number of investigations and complaints, Director Derickson said, and the board is asking for more funding to add a staff member in two years to help with those investigations.

"To help solve this problem, I think this board needs a little help from what we're currently staffed at," he said.

He also said he expected legislation to be introduced this session with support from funeral home providers for a fee on pre-need services that would help cover costs of unmet pre-need services.

**Rep. Kirk Schuring** (R-Canton) suggested that legislation be introduced soon so it could be incorporated into the budget document, to avoid the board having expenses budgeted without the revenue to pay for them.

Chair **Rep. Keith Faber** (R-Celina) also discussed moving the money the board collects in fines to the General Revenue Fund, rather than returning it to the board, to avoid the appearance of the board fining businesses to meet its budget.

"If we were to make that transfer, you're going to need some additional revenue," Rep. Faber said.

The subcommittee also reviewed the Ohio Commission on Hispanic and Latino Affairs.

**(Redbook)** Executive Director Lilleana Cavanaugh said the commission's increased budget needs stem mostly from insurance and operating costs.

Asked by Rep. Faber what the commission would do if it did not receive the extra \$50,000 asked for in the budget, Ms. Cavanaugh said it would have to move a full-time position, one of three, to part-time.

"What is important is to know that through our commission, we're able to provide these agencies with an understanding of the Latino community, the language, the culture, thus decreasing those gaps in communication and culture," she said.



The panel also heard testimony in support of the commission from others, including Claudia de Leon, president of the Hispanic Chamber of Columbus. Ms. de Leon said the commission serves a vital role in the community.

"The Commission on Latino Affairs is a major bridge into the Hispanic community as well as a valuable resource to the Hispanic community - from creating more awareness of how our government works and the services available to help them achieve their educational or personal goals to alerting us of incoming or ongoing legislation that could have an impact to our increasing Hispanic population in Ohio," she said.

Another board reviewed by the panel was the Sanitarian Registration Board (**Redbook**), which Executive Secretary Stephanie Youst said registers people who are responsible for testing drinking water, inspecting restaurants and performing other public health tasks. The board proposed an increase in fees, which Ms. Youst said would help cover the increased costs of a new licensure system, rent, supplies and other items.

Ms. Youst said the board is necessary because it ensures public health departments and others have licensed, trained and qualified staff.

"The reason that you need sanitarian registration is sanitarians are responsible for protecting public health," she said.

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## Senate Activity for Wednesday, February 15, 2017

### INTRODUCED AND REFERRED

**SB 54** ■

**SUMMER FOOD PROGRAMS** (Brown, E., Lehner, P.) To require school districts to allow approved summer food service program sponsors to use school facilities to provide food service for summer intervention services under certain conditions. Am. 3313.813  
Government Oversight & Reform

**SB 55** ■

**NURSE STAFFING** (Skindell, M.) To establish minimum ratios of direct-care registered nurses to patients in hospitals, to specify rights of registered nurses working in hospitals, and to prohibit retaliatory actions by hospitals against registered nurses. Am. 3727.50, 3727.51, 3727.52, and 3727.53 and to enact sections 3727.80 to 3727.88  
Health, Human Services & Medicaid

**SB 56** ■

**STEP THERAPY** (Lehner, P., Tavares, C.) To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. Am. 5167.12 and to enact sections 3901.82, 3901.821, 3901.822, 3901.823, 5164.7512, 5164.7513, and 5164.7514  
Health, Human Services & Medicaid

**SR 37** ■

**CORPORATE PERSONHOOD** (Skindell, M.) To call on legislators at the state and federal level and other communities and jurisdictions to support an amendment to the United States Constitution that would abolish corporate personhood and the doctrine of money as speech.  
Transportation, Commerce & Workforce

### INTRODUCED

**SB 57** ■

**AWARENESS DAY** (Kunze, S.) To designate the seventeenth day of May as "Diffuse Intrinsic Pontine Glioma Awareness Day." Am. 5.291

**SCR 4** ■

**BALLOT ARGUMENTS** (Peterson, B.) To delegate to the President of the Senate and the Speaker of the House of Representatives authority to designate groups of members to prepare arguments for and against

amendments to the Ohio Constitution proposed by the General Assembly, a person or persons to prepare an argument for any law, section, or item submitted to the electors by referendum petition, and a person or persons to prepare an argument against any constitutional amendment proposed by initiative petition.

33-0

Gongwer Coverage

## **PASSED**

**SB 25** ■

**PERRY COUNTY COURT (Hottinger, J.)** To create the Perry County Municipal Court in New Lexington on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017 and to declare an emergency.

33-0; Emergency: 33-0

Gongwer Coverage

## **REFERRED**

### **Education:**

**SB 39** ■

**SCHOOL OPERATIONS (Schiavoni, J.)** Regarding community school operator contracts, the operation of Internet- and computer-based community schools, and performance metrics for blended learning schools.

Gongwer Coverage

### **Energy & Natural Resources:**

**SB 50** ■

**OIL GAS LAWS (Skindell, M.)** To prohibit land application and deep well injection of brine, to prohibit the conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law.

**SB 51** ■

**LAKE ERIE (Skindell, M., Eklund, J.)** To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.

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**SB 53** ■ **LAKE ERIE DRILLING (Skindell, M.)** To ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.

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## **Finance:**

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**SB 45** ■ **UNCLAIMED FUNDS (Williams, S.)** Regarding payment to a registered finder of unclaimed funds.

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## **Government Oversight & Reform:**

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**SB 44** ■ **CAMPAIGN FINANCE (LaRose, F.)** To allow certain campaign committees and other entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those electronic statements available online.

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## **Judiciary:**

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**SB 40** ■ **AGGRAVATED MURDER (Eklund, J., Williams, S.)** To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense.

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**SB 41** ■ **TESTIMONIAL PRIVILEGE (Eklund, J.)** To provide generally a testimonial privilege for communications between a qualified advocate rendering advocacy services and a victim of sexual violence, menacing by stalking, or domestic violence, to exempt the nondisclosure of that privileged communication from the offense of failure to report a crime, to require a qualified advocate to report knowledge or reasonable suspicion of child abuse or neglect of the victim except for privileged communications, and to specify circumstances in which the victim is considered to have waived the privilege.

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**SB 42** ■ **DRUG OFFENSES** (Eklund, J.) To expressly provide that drug offense penalties that refer to a particular type of drug also apply to a compound, mixture, preparation, or substance containing a detectable amount of that drug and to declare an emergency.

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### **Local Government, Public Safety & Veterans Affairs:**

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**SB 43** ■ **BUILDING CODES** (Bacon, K.) To enable limited home rule townships to adopt building codes regardless of any similar codes adopted by the county in which the township resides.

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**SB 48** ■ **HEARING IMPAIRMENTS** (Williams, S.) To create a special license plate for hearing-impaired individuals and to require the Registrar to include an identifying symbol on a driver's license, commercial driver's license, or state-issued identification card of a hearing-impaired individual, if requested.

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**SB 52** ■ **MARRIAGE CEREMONIES** (Skindell, M.) To allow any person or entity that registers with the secretary of state to solemnize marriages.

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### **Transportation, Commerce & Workforce:**

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**SB 46** ■ **ROAD NAMING** (Williams, S.) To designate portions of United States Route 422 within the municipal corporations of Cleveland and Youngstown as the "Arnold R. Pinkney Memorial Way."

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**SB 47** ■ **NONCOMPETE LANGUAGE** (Williams, S.) To prohibit the use of noncompete provisions in employment contracts in the broadcasting industry.

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**SB 49** ■ **EMPLOYMENT APPLICATIONS** (Williams, S.) To prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony.

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## COMMITTEE HEARINGS

### Ways & Means

**SB 35** **TAX CREDIT (Skindell, M.)** To remove the income restriction on the earned income tax credit and to make the credit refundable beginning in 2017.  
(CONTINUED; 1st Hearing-Sponsor)

**Sen. Michael Skindell** (D-Lakewood) said the bill is the same as his previous effort to make the Earned Income Tax Credit refundable and remove current credit income restrictions (SB21, 131<sup>st</sup> General Assembly).

Ohio's current EITC equals about 10% of the federal EITC, he said. For those with adjusted gross incomes exceeding \$20,000, the credit is capped at 50% of tax due. The legislation would remove that cap.

Sen. Skindell said reducing that cap and making the credit refundable will "go a long way in reducing Ohio's poverty rate." He added that 26 states have EITCs that are refundable.

"A state refundable EITC is targeted to help low to moderate income working individuals and families," he said. "A refundable state EITC would have a significant impact on the long term economic well-being of our low income wage earners and our local and state economy."

**Sen. Peggy Lehner** (R-Kettering) questioned how many Ohioans were able take advantage of the credit last tax year. She asked whether she is correct in observing that the bill would benefit those with lower incomes who would not have much of a tax liability in the first place.

"Absolutely, and that's why we want to make it nonrefundable and remove those restrictions," Sen. Skindell replied, adding that a lower tax burden frees up money for clothing or other essentials for those low-income families.

Responding to further questions, Sen. Skindell said the Legislative Services Commission analysis of his bill last year indicated the total cost of the proposal would be around \$180 million. In the eight legislative sessions he's been pushing for the change, he said that number has been fairly stable.

**SB 36** **AGRICULTURAL LAND (Hite, C.)** To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type.  
(CONTINUED (See separate story); 1st Hearing-Sponsor)

**SB 9** **SALES TAX HOLIDAY (Bacon, K.)** To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes. (CONTINUED; 1st Hearing-Sponsor)

**Sen. Kevin Bacon** (R-Minerva Park) said his bill is the same as one he introduced last year that would institute a one-year sales tax holiday during the first weekend in August. (SB264, 131<sup>st</sup> General Assembly)

Although the sponsor said he still envisions a bill enacting a permanent annual holiday, he said he opted again for the one-time approach after it helped garner legislative and administrative support last session.

Once again the bill would create a three-day sales tax exemption on clothing items up to \$75 and on school supplies costing \$20 or less per item.

"Many of you may recall the first two sales tax holidays which were passed during the 131<sup>st</sup> General Assembly," he told the committee. "These events were highly advertised in every part of the state and very popular with Ohio residents. My office received letters of support from students, businesses, and educators following the first two sales tax holidays."

He again touted a study from the University of Cincinnati that determined the 2015 holiday landed the state \$4.7 million in additional revenue. He said the university is once again compiling a study of the 2016 holiday that will be shared with the committee upon completion.

Chairman **Sen. John Eklund** (R-Chardon) said it would be "extraordinarily helpful" to receive that report by Feb. 21, although Sen. Bacon expressed doubt about that timeline. **Sen. Sean O'Brien** (D-Hubbard) requested the study include, if possible, a breakdown of the impact on counties bordering Pennsylvania, which has no sales tax on clothing items.

**Sen. Sandra Williams** (D-Cleveland) questioned why the Kasich administration has yet to endorse the sales tax holiday as an annual event.

Sen. Bacon replied that in his conversations with the administration, the governor's staff is committed to using the most conservative form of budgeting. The administration was supportive of both previous one-off holidays, he said, "and we are hoping they will be again."

**Subscribers Note:** For full testimony, see the [committee's website](#) under Feb. 15.

## **Government Oversight & Reform**

**SB 10** **PRIMARY ELECTIONS (LaRose, F.)** To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (**CONTINUED**; 1st Hearing-Sponsor)

The bill's sponsor, **Sen. Frank LaRose** (R-Hudson), said it would eliminate the need for primary elections when only one candidate qualified for the ballot.

"I call this the superfluous primaries bill. This is that bill that is meant to address that rare situation where there is only one candidate on the ballot and we are forced to hold an election," he said.

The bill stems from a problem in which a special election is needed, costing taxpayers hundreds of thousands of dollars, for a race that has already been decided, he said.

"The fix to this is simple," he said. "We trigger the need for an election on how many candidates are certified for the ballot, not how many candidates file petitions for the ballot."

**Sen. Edna Brown** (D-Toledo) asked if it would apply if a candidate dropped out, leaving only one remaining.

"Essentially what this comes down to, if there's only one candidate left, then there's no need to hold an election," Sen. LaRose said.

**SB 18** **DAY DESIGNATION (Thomas, C.)** To designate September 12 as "Jesse Owens Day." (**CONTINUED**; 1st Hearing-Sponsor)

The bill would designate Sept. 12 as Jesse Owens Day, sponsor **Sen. Cecil Thomas** (D-Cincinnati) said. He was inspired after seeing the movie "Race" and learning that Jesse Owens was from Ohio.

Mr. Owens, who was born in Alabama, grew up in Cleveland and attended the Ohio State University, is best known for winning a record eight NCAA championships on the track in college and winning four gold medals at the 1936 Olympics in Berlin.

"Jesse Owens is remembered as an ambassador for American ideals, both at home and abroad," Sen. Thomas said. "While his incredible athleticism is impressive on its own accord, his legacy is all the more noteworthy because of the character he showed in the face of bigotry. Recognizing Jesse Owens on his birthday - September 12 - is a fitting tribute for one of Ohio's greatest native sons."

**SB 21** **ELECTION PROCEDURES (Uecker, J.)** To reduce the minimum number of precinct election officials in a precinct in which electronic pollbooks are used and to eliminate the requirement that a board of elections send a notice to a person's residence address when the board cancels the person's voter registration because it received a report of the person's death. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

**SB 28** **ABORTION (Uecker, J.)** Regarding final disposition of fetal remains from surgical abortions. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

## **Education**


**SB 34** **ACADEMIC YEAR (Manning, G.)** To generally require public and chartered nonpublic schools to open for instruction after Labor Day. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

**SB 8** **SCHOOL TECHNOLOGY & SAFETY (Gardner, R., Terhar, L.)** To require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

Without discussion, the committee confirmed the governor's appointments of Eric Poklar, Rebecca Vasquez Skillings, Charlotte McGuire and Martha Manchester to the State Board of Education.

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## Daily Activity Planner for Thursday, February 16

### Legislative Committees

House Finance: State Government & Agency Review Sub. (Chr. Faber, K., 466-6344), Rm. 121, 9 a.m.

- Budget testimony from Optical Dispensers Board, Optometry Board, Dietetics Board, and Public Testimony.

House State & Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 116, 9 a.m.

**HB 5** MICROBUSINESSES (Pelanda, D., Gavarone, T.) To create a statutory definition of "microbusiness." (2nd Hearing-All testimony)

**HB 12** OFFICIAL STATE STRUCTURE (Gonzales, A.) To designate the barn as the official historical architectural structure of the state. (2nd Hearing-All testimony)

**HB 31** GOVERNMENT CONTRACTING (Cupp, R.) To abolish the Government Contracting Advisory Council. (2nd Hearing-All testimony)

**HB 34** PUBLIC NOTICES (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. (2nd Hearing-All testimony)

House Finance: Agriculture, Development & Natural Resources Sub. (Chr. Thompson, A., 644-8728), Rm. 018, 9 a.m.

- Budget testimony from OARDC and OSU Extension, Petroleum Underground Storage Tank Release Compensation Board, Environmental Review Appeals Commission and Consumers' Counsel

Joint Medicaid Oversight Committee (Committee Record) (Chr. Huffman, S., 466-7584), Finance Hearing Rm., 9 a.m.

- Expansion Population - Ohio Medicaid Group VIII Assessment by Barbara Sears, Director, Ohio Department of Medicaid

Joint Education Oversight Committee (Committee Record) (Chr. Hite, C., 466-8150), South Hearing Rm., 9:30 a.m.

- Presentation from Superintendent of Public Instruction Paolo DeMaria on Ohio's Draft Accountability Plan for the Federal Every Student Succeeds Act.

House Aging & Long Term Care (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 113, 10 a.m.

- Presentations by the Ohio Department of Aging and Ohio Department of Job & Family Services

House Finance: Higher Education Sub. (Chr. Perales, R., 644-6020), Ohio History Center, 800 E. 17th Ave., Cardinal Classroom, Columbus, 12 p.m.

- Budget testimony from Ohio History Connection, Ohioana Library Board, Ohioana Library Association

### Agency Calendar

State Teachers Retirement System, 275 E. Broad St., Columbus, 8 a.m.  
School Employees Retirement System, 300 E. Broad St., Columbus, 8:30 a.m.  
~~Canceled: Real Estate Appraiser Board, 77 South High Street, 22nd Floor,~~  
~~Columbus, 9:30 a.m.~~  
Children's Trust Fund, 77 South High Street, 31st Floor, Room East B, Columbus,  
10 a.m.  
Tuition Trust Authority, 77 S. High St., 31st Fl., West B&C, Columbus, 10 a.m.

## Event Planner

No events scheduled.

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**Subject:** Press statement: Nomination of Acosta for Secretary of Labor a likely improvement

Policy Matters Ohio

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Contact Hannah Halbert  
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## **Nomination of Acosta for Secretary of Labor a likely improvement** **Vetting needed, but new nominee appears friendlier to workers**

After the failed nomination of Andrew Pudzer for Secretary of Labor, the Trump administration put forward Alexander Acosta, dean of the Florida International University College of Law and former assistant attorney general for the Civil Rights Division under President George W. Bush. Policy Matters Ohio sees this move as a step in the right direction for working people.

"Rigorous vetting is still needed but unlike Pudzer, Acosta does not appear to be a nominee bent on dismantling the institution he is set to lead," said Hannah Halbert, researcher with Policy Matters Ohio. "The Department of Labor must be dedicated to welfare and safety of wage-earners. Not their bosses."

Ohioans value worker rights. The state overwhelmingly voted down laws that sought to restrict collective bargaining and voted in support of a state constitutional amendment that increased and indexed the minimum wage. As hearings begin, working people of Ohio will want to know where Acosta stands on these issues. Policy Matters will look for evidence that Acosta will work for safe and healthy workplaces, more and better jobs, and a better life for working people in Ohio and the United States.

[Read press statement online](#)

###

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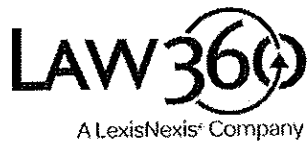
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Wednesday, February 22, 2017



## TOP NEWS

### **New EPA Chief Pledges To Change Regulatory, Legal Practices**

U.S. Environmental Protection Agency Administrator Scott Pruitt on Tuesday emphasized his desire to work collaboratively with career EPA staff and his intention to depart from regulatory and litigation tactics he said sideline industry and state interests.

### **Incoming Deputy AG Brings High-Profile Criminal Experience**

Incoming Deputy Attorney General Rod Rosenstein has spent 90 percent of his career on federal criminal matters including high-profile government misconduct cases, according to materials he provided a Senate panel on Friday.

### **ABA's Gorsuch Rating Due Out Before Confirmation Hearings**

The American Bar Association will release its laborious evaluation of U.S. Supreme Court nominee Neil Gorsuch before his confirmation

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hearings kick off on March 20, handing senators a powerful factor for evaluating whether to promote the Tenth Circuit judge to the nation's top bench.

### **DHS Releases Guidance On Immigration Executive Orders**

The U.S. Department of Homeland Security issued memos Tuesday implementing two executive orders from President Donald Trump related to immigration, with the agency laying out the administration's expanded enforcement targets, calling for more officers and suggesting new policy is coming on expedited removals.

### **Dems Want Trump To Endorse Currency Manipulation Bill**

A trio of House Democrats have asked President Donald Trump to go beyond executive action and create tariffs against foreign currency manipulators.

#### **Analysis**

### **Top 4 Groups Lobbying The FCC**

As Federal Communications Commission Chairman Ajit Pai approaches one month into his chairmanship, industry stakeholders have begun lobbying the new FCC, advocating on issues such as how to distribute universal service funds and make way for 5G infrastructure. Here, Law360 looks at the top four groups that have filed ex partes in the last month.

### **Ill. High Court OKs Exception To Untimely Agency Reviews**

The Illinois Supreme Court on Friday ruled that a decision from an administrative agency can be appealed, even if the appeal is late, in instances where the agency violated due process.

### **New Bill Targets Warrantless GPS Tracking, Stingrays**

A bipartisan bill introduced in both houses of Congress on Wednesday would bar the tracking

Morgan Lewis  
Munsch Hardt  
Norton Rose Fulbright  
Perkins Coie  
Ropes & Gray  
Shulman Rogers  
Sidley Austin  
Simmons & Simmons  
Squire Patton Boggs  
Stradley Ronon  
Tucker Law Group  
Weil Gotshal  
Weiner Brodsky

#### **COMPANIES**

AT&T Inc.  
American Academy of Pediatrics  
American Bar Association  
American Civil Liberties Union  
American Federation of State,  
County and Municipal Employees  
American Psychological  
Association  
Apple Inc.  
Caterpillar Inc.  
Center for American Progress  
Center for Biological Diversity Inc.  
Delta Air Lines Inc.  
Dow Chemical Co.  
Facebook  
Florida Immigrant Coalition  
GLC Business Services Inc.  
General Electric Company  
Google Inc.  
Koch Industries Inc.  
Microsoft Corporation  
Murray Energy Corp.  
National Immigration Law Center  
New York Times Co.

of a person using GPS technology without permission or a warrant — particularly law enforcement use of stingray technology that tricks phones into transmitting location information to a third party.

## **BANKING & SECURITIES**

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### **Kan. Stock Promoter Says 10th Circ. Order Blocks SEC Case**

A stock promoter filed a lawsuit in Kansas federal court on Tuesday seeking to halt a U.S. Securities and Exchange Commission administrative proceeding against him, saying the judge overseeing his case has already been deemed to violate the U.S. Constitution by the Tenth Circuit.

## **ENERGY & ENVIRONMENTAL**

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### **Virginia's Uranium Mining Ban Upheld By Fourth Circuit**

The Fourth Circuit on Friday upheld a lower court's dismissal of a uranium company's lawsuit seeking to overturn a Virginia law banning uranium mining, deciding that there is nothing in the federal Atomic Energy Act that preempts the state from establishing such a moratorium.

### **GOP Reps Ask EPA To Extend Mining Rule Comment Period**

A trio of Republican committee chairmen in the House asked the U.S. Environmental Protection Agency on Friday to extend the comment period on a proposed rule that would require participants in the hardrock mining industry to show they can cover the costs of environmental hazards stemming from their operations.

### **Timber Co. Fights Obama Expansion Of Oregon Monument**

A timber company on Friday challenged former President Barack Obama's proclamation that expanded the Cascade-Siskiyou National Monument, arguing in Oregon federal court that

North American Electric Reliability Corp.

PHH Corporation

Planned Parenthood Federation

Raytheon Company

Tax Foundation

Texas Medical Association

Texas Rangers

The Boeing Company

Twitter Inc.

United States Telecom Association

Zeughauser Group LLC

## **GOVERNMENT AGENCIES**

Bureau of Land Management

Central Intelligence Agency

Consumer Financial Protection Bureau

Department of Commerce

European Commission

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Energy Regulatory Commission

Federal Housing Finance Agency

Federal Reserve System

Federal Trade Commission

Financial Crimes Enforcement Network

Illinois Supreme Court

Immigration and Customs Enforcement

Lac du Flambeau Band of Lake Superior Chippewa Indians

National Aeronautics and Space Administration

National Labor Relations Board



the protectionist move conflicted with a congressional decision mandating that some of the land be used for logging.

### **EPA Can't Second-Guess Texas Ozone Plan, 5th Circ. Told**

The U.S. Environmental Protection Agency wrongly rejected Texas' plans to address cross-state emissions in meeting 2008 national ozone standards and trampled over the Lone Star State's authority under the Clean Air Act in imposing a federal substitute, Texas officials told the Fifth Circuit on Friday.

### **EU Nearing Decision On Extending China Solar Panel Duties**

The European Commission is close to drawing its final conclusion regarding extended duties on Chinese solar panels, a commission representative told Law360 on Tuesday.

### **Enviros Say USFS Ignored Logging Project's Owl Impacts**

Environmentalists have asked a California federal judge to stop a U.S. Forest Service-approved logging operation they say harms critical California spotted owl habitat in the state's Tahoe National Forest.

### **EPA Urges 4th Circ. To Undo Coal Jobs Analysis Order**

The U.S. Environmental Protection Agency on Tuesday asked the Fourth Circuit to overturn a federal judge's decision that compels the agency to evaluate the consequences of its air pollution regulations on jobs, arguing there was no Clean Air Act violation that warranted such a remedy.

## **HEALTH & LIFE SCIENCES**

### **Texas Justices Let Challenge Of Chiropractic Rules Proceed**

A Texas appellate court on Friday gave the Texas Association of Acupuncture and Oriental Medicine another shot at challenging the validity

National Security Agency  
Nuclear Regulatory Commission  
Office of the Comptroller of the Currency  
Securities and Exchange Commission  
Texas Health and Human Services Commission  
Texas Legislature  
U.S. Air Force  
U.S. Customs and Border Protection  
U.S. Department of Agriculture  
U.S. Department of Defense  
U.S. Department of Energy  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of State  
U.S. Department of Transportation  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. Forest Service  
U.S. General Services Administration  
U.S. Senate  
U.S. Supreme Court

of two provisions in the Texas Board of Chiropractic Examiners administrative rules that it believes are invalid because they allow chiropractors to practice acupuncture.

### **HealthCare.gov Deletions 'Trumpcare By Sabotage,' Dems Say**

Leading Democrats from the U.S. Senate committees on Health, Education, Labor and Pensions and Finance on Friday demanded answers from the U.S. Department of Health and Human Services' newly confirmed secretary about why a breakdown of the Affordable Care Act's benefits was removed from HealthCare.gov.

## **MEDIA & ENTERTAINMENT**

### **Philly Controller Escapes 'Slush Fund' Slander Suit**

A Pennsylvania state court judge on Tuesday threw out a lawsuit accusing Philadelphia's city controller of defaming a former city official with remarks about a so-called slush fund in which money primarily from the Philadelphia Marathon was used to pay for pet projects of former Mayor Michael Nutter.

## **INSURANCE**

### **Ill. Gay Conversion Therapy Ban Exempts Pastors, Judge Says**

A coalition of Illinois pastors is claiming victory in its suit over a state law banning conversion therapy for gay youth, saying even though a federal judge tossed the suit on Wednesday, the ruling more or less amounts to what they'd sought in the first place: an order declaring pastors exempt from the law.

## **EMPLOYMENT**

### **August NLRB Order Restored Discipline Analysis, GC Says**

The National Labor Relations Board general counsel's office has penned an advice memo

clarifying the precedent set by an August board decision, saying that businesses must bargain with unions over certain types of serious discipline between the time a bargaining unit is certified and a bargaining agreement is signed.

### **Iowa Union Sues To Block Collective Bargaining Law**

A union representing public sector employees in Iowa filed suit Monday challenging the state's sweeping new law curtailing collective bargaining rights for most public workers, calling it a "draconian" measure that would make it harder for state workers to receive or maintain union representation.

## **PRIVACY & CONSUMER PROTECTION**

### **EU Regulators Lay Out Plan For Tackling Privacy Shield Rows**

Europe's data protection regulators on Monday rolled out a plan for addressing consumer complaints that arise under the new Privacy Shield pact that allows multinationals to transfer data between the EU and U.S., saying at least three authorities would be charged with weighing in on disputes within 60 days.

### **Mortgage Servicer Rips Efforts To Intervene In CFPB Review**

A mortgage servicer that convinced a D.C. Circuit panel that the Consumer Financial Protection Bureau's structure is unconstitutional asked the full court on Friday to reject a bid by advocacy groups, state attorneys general and members of Congress to let them fight the suit if President Donald Trump's Justice Department stops defending against it.

### **Trump Taps Lt. Gen. McMaster As National Security Adviser**

President Donald Trump announced Monday that he has selected Army Lt. Gen. H.R. McMaster as national security adviser, a post that was left empty after Michael Flynn resigned

amid fallout from his dealings with Russian officials.

## GOVERNMENT CONTRACTS

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### **Air Force Leaders Urge Congress To Pass Spending Bill**

The U.S. Air Force's top civilian and military leaders urged Congress on Monday to pass a defense appropriations bill before the end of fiscal year 2017, saying the use of another continuing resolution through to the end of the year would significantly hurt operational readiness and limit needed improvements.

### **Texas Barred From Cutting Planned Parenthood Funding**

A federal judge on Tuesday barred the state of Texas from pulling Medicaid funds from Planned Parenthood-affiliated clinics, saying the secretly recorded videos the Lone Star State held up as evidence that the clinics were profiting from selling aborted fetal tissue did not actually support the state's claims.

### **GSA Watchdog Criticizes Tech Unit's IT Security Compliance**

A U.S. General Services Administration watchdog on Tuesday criticized the GSA's "startup" unit aimed at improving federal technology, 18F, saying it routinely ignored GSA security requirements for both the procurement and operation of information technology systems.

## TAX

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### **CEOs Mobilize To Back Border Adjustment Tax**

Chief executives from 16 companies wrote congressional leaders Tuesday in praise of a GOP proposal to dramatically change the U.S. corporate tax code, urging the lawmakers to act boldly in rewriting it.

## IMMIGRATION

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### **Senator Questions Border Electronics Searches**

A U.S. senator on Monday questioned the government's authority to collect information from people detained at U.S. borders in response to media reports that U.S. Customs and Border Protection officers may be asking for cell phone passcodes and social media handles.

### **Calif. Judge Lets Halt On Travel Ban For Visa Holders Lapse**

A California federal judge on Tuesday declined to extend a temporary restraining order blocking parts of President Donald Trump's immigration ban, saying the TRO's goals had been met and new relief sought by Yemeni immigrants in an amended suit would allow those without visas to "cut in line."

### **Miami-Dade Nixes Protections For Undocumented Immigrants**

The Miami-Dade Commission on Friday voted to uphold an order by the county's mayor eliminating protections from U.S. Customs and Immigration Enforcement detainer requests for undocumented immigrants, despite hundreds of people showing up to express their concern and disapproval.

### **NATIVE AMERICAN**

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### **Ex-Tribal Employees' Gender Bias Claims Tossed**

A Wisconsin federal judge on Tuesday tossed suits alleging gender bias and retaliation from two former employees of the Lac du Flambeau Band of Lake Superior Chippewa Indians, ruling that they failed to state a claim and the tribe had sovereign immunity against the suits.

### **TELECOMMUNICATIONS**

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### **FCC Was Right To Drop Set-Top Box Plan, Legislator Says**

Rep. Yvette D. Clarke, D-N.Y., has praised a move by the new Federal Communications Commission head to pull back on an Obama-era plan to open up competition in the set-top box market.

### **AT&T Urges FCC To Nix 'Cadillac' Broadband Expansion Goals**

The Federal Communications Commission should seek to fund broadband expansion in as many geographic areas as possible rather than prioritizing high speeds, AT&T said Tuesday, or else consumers in harder-to-reach areas will get left behind.

### **Group Blasts Industry Move Against FCC Transparency Rules**

Broadband providers are inappropriately seeking to evade stepped-up transparency rules under an exemption meant for small providers, an open internet advocacy organization warned the Federal Communications Commission in a filing made public Friday, saying that their request for broad relief for all providers would effectively kill the rules.

## **EXPERT ANALYSIS**

### **2-For-1 Executive Order Leaves OMB To Work Out Details**

While President Donald Trump's recent executive order reducing regulations may seem appealing in its simplicity, the White House has provided agencies with little guidance on its implementation, instructing them to call the Office of Management and Budget with questions. Yet the OMB's ability to provide answers will be impaired by a lack of clear legal standards, say Laurence Platt and Joy Tsai of Mayer Brown LLP.

### **A Look At DOJ's New Guidance On Compliance Programs**

New guidance from the U.S. Department of Justice's Fraud Section puts chief compliance

officers on notice about how the adequacy of their companies' compliance programs is evaluated by prosecutors, say attorneys with Morgan Lewis & Bockius LLP.

### **How The GDPR Will Impact Life Sciences And Health Care**

The European Union's General Data Protection Regulation will considerably increase the sanctions and penalties that can be imposed on organizations that breach its requirements. The implications for organizations operating in the life sciences and health care sectors are likely to be particularly far-reaching, say attorneys with Ropes & Gray LLP.

### **Legal Pot Industry Bugged By Lack Of Pesticide Guidance**

Marijuana cultivation suffers from the same pest and disease pressure as any large commercial greenhouse operation. However, the circumstance unique to this setting is that any use of a pesticide in the cultivation of marijuana is a violation of federal law, says Telisport Putsavage of Putsavage PLLC.

### **The Quadrennial Energy Review And Grid Security**

The most recent installment of the U.S. Department of Energy's Quadrennial Energy Review includes a number of recommendations for physical and cybersecurity protection of the nation's power infrastructure. Although the report recommends developing and implementing "necessary" security measures, it provides limited details in some areas, and does not identify revenue sources for some initiatives, say attorneys from Husch Blackwell LLP.

## **LEGAL INDUSTRY**

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### **Norton Rose Fulbright Inks Deal With Chadbourne**

Norton Rose Fulbright and New York-based Chadbourne & Parke LLP will merge in the

second quarter of this year, the firms announced Tuesday.

### **BigLaw Cost Pressures Fueling Middle East Exits**

At least eight BigLaw outposts in the Middle East have been shuttered since 2015, a trend experts say is simply one symptom of the global push by law firms to make ends meet as demand falters and the costs of doing business continue to rise.

### **Sidley-Authored Report On 9/11-Era Torture Defamatory: Suit**

A group of psychologists accused a Sidley Austin LLP attorney of crafting a report for the American Psychological Association that unfairly laid the blame on them for interrogation tactics used by the U.S. military after the 9/11 attacks, saying in an Ohio suit that he ignored evidence and bolstered a story by the doctors' critics.

### **US Law Firm Expansion Follows The Money, Report Says**

Law firms tend to enter regions experiencing rapid growth in emerging corporate sectors by attempting to lure away key partners from other firms, while the days of large regional firms catering to businesses in specific geographic areas are gone, a recent paper said.

### **Munsch Hardt Co-Founder Dies In Australian Plane Crash**

Munsch Hardt Kopf & Harr PC on Tuesday confirmed that one of its founding partners, noted bankruptcy and banking attorney Russell Munsch, was among those killed in a fatal plane crash in Melbourne, Australia, on Monday.

#### **JOBS**

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**From:** Public Policy Law360  
**Sent:** Friday, March 24, 2017 5:43 AM  
**To:** Rep48  
**Subject:** House Sets Climactic Friday Vote On ACA Repeal



PUBLIC POLICY

## The Road To 60 Votes: Confirming Neil Gorsuch

Follow Law360's up-to-the-minute coverage.

Friday, March 24, 2017



### TOP NEWS

#### House Sets Climactic Friday Vote On ACA Repeal

The U.S. House of Representatives will vote Friday on whether to repeal and replace much of the Affordable Care Act, marking a high-stakes test for President Donald Trump and the Republican-controlled Congress.

#### GSA Says Trump Org Has Complied With Disputed Hotel Lease

The U.S. General Services Administration on Thursday announced that the Trump Organization has complied with its \$180 million lease on the federally owned Old Post Office building in Washington, D.C., after concerns that President Donald Trump's connection to the lease may have broken a contractual clause.

#### As Gorsuch Panel Ends, Senate Filibuster Looms

After days of committee questioning and testimony on Tenth Circuit Judge Neil Gorsuch,

### LAW FIRMS

Alston & Bird  
Amster Rothstein  
Arnold & Porter Kaye Scholer  
Audet & Partners  
Baker Botts  
Bartko Zankel  
Bartlit Beck  
Berenzweig Leonard  
Brashear LLP  
Chadbourne & Parke  
Covington & Burling  
Creizman LLC  
Cuneo Gilbert  
Debevoise & Plimpton  
Dewey & LeBoeuf  
Dinsmore & Shohl  
Earthjustice  
Fish & Richardson  
Foley Hoag  
Gibson Dunn

President Donald Trump's nominee to the U.S. Supreme Court, many Democrats cemented their opposition Thursday and could try to block his confirmation.

### **Trump Admin. Gets Fast Appeal Of Immigration Ban Suit**

The Fourth Circuit on Thursday granted the federal government's request for an expedited appeal of a Maryland federal judge's ruling blocking President Donald Trump's revised immigration ban targeting migrants from majority-Muslim countries, after the government cited "national security needs."

### **Senate Votes To Undo FCC's Broadband Privacy Rules**

The U.S. Senate on Thursday passed a resolution to repeal broadband privacy rules issued by the Federal Communications Commission last year, leaving the fate of the hotly contested measure in the hands of the U.S. House of Representatives.

### **Senate Sends Repeal Of OSHA Record-Keeping Rule To Trump**

The U.S. Senate on Wednesday passed a resolution to kill an Obama-era regulation that would allow the Occupational Safety and Health Administration to fine employers over a full five-year period for failing to properly track and report workplace injuries and illnesses after they occur, sending the measure to President Donald Trump for likely approval.

Analysis

### **4 Tax Changes Delaying GOP Health Plan Vote**

As President Donald Trump and House Republicans struggle to get backers for their health care plan to replace the Affordable Care Act, Law360 looks at some of the controversial tax changes that are holding up a House vote.

Analysis

### **US Atty Hopefuls In Calif. Face Uncertain Process**

Goldberg Kohn  
Goldstein & Russell  
Goodwin  
Gordon & Rees  
Hogan Lovells  
Holland & Knight  
Hymson Goldstein  
Jenner & Block  
Johnson & Bell  
Jones Day  
Krovatin Klingeman  
Law Offices of Ann C. Flannery LLC  
Locke Lord  
Mayer Brown  
McDonald Carano  
Milbank Tweed  
Morgan Lewis  
Morris Manning  
Morvillo Abramowitz  
Nossaman LLP  
O'Melveny & Myers  
Ogletree Deakins  
Outten & Golden  
Proskauer Rose  
Reed Smith  
Rogers Joseph  
Sanford Heisler  
Schlam Stone  
Seward & Kissel  
Sidley Austin  
Siprut PC  
Skadden  
Squire Patton Boggs  
Steptoe & Johnson LLP  
Sullivan & Cromwell  
Thompson & Knight  
Traub Lieberman

California's four U.S. attorney positions are currently open, but political friction between the state's Democratic senators and the White House has the application process off to a haphazard start.

## **BANKING & SECURITIES**

### **Analysis**

#### **5 Takeaways From Clayton's SEC Confirmation Hearing**

President Donald Trump's nominee to chair the U.S. Securities and Exchange Commission, Sullivan & Cromwell LLP partner Jay Clayton, scored points with Republican lawmakers at his confirmation hearing Thursday by lamenting a recent decline in IPOs, but did little to reassure Democrats about his conflicts of interest and financial industry connections. Here are five key takeaways from Thursday's hearing

## **ENERGY & ENVIRONMENTAL**

#### **Lawmakers Introduce Bipartisan Water Infrastructure Bill**

A bipartisan group of U.S. senators on Wednesday announced the introduction of a new piece of legislation to provide increased flexibility to local communities when they are complying with federal requirements for updates to water infrastructure projects.

#### **Reps. Again Float Bill To Boost Funding For Mine Cleanups**

U.S. Reps. Jody Hice, R-Ga., and Alan Lowenthal, D-Calif., again floated a bill Wednesday to form a foundation that raises private funding to help the federal government more quickly and effectively clean up mines, citing the Gold King Mine spill as an example of the need for boosted financial aid.

#### **High Court Shouldn't Delay Water Rule Suit, 7 States Say**

New York, six other states and Washington, D.C., have asked the U.S. Supreme Court not

Vorys Sater  
Wasserman Jurista  
Wiley Rein  
WilmerHale  
Zeldes Haeggquist

### **COMPANIES**

AAR Corporation  
Airbnb Inc.  
Alibaba Group Holdings Ltd.  
Amazon.com Inc.  
American Bar Association  
American Civil Liberties Union  
American Farm Bureau Federation  
American Federation of Labor and Congress of Industrial Organizations  
Association of American Railroads  
Association of Corporate Counsel  
BP p.l.c.  
Barclays PLC  
Barnes & Noble Inc.  
Bayer AG  
Bayer CropScience Ltd.  
Bristol-Myers Squibb Company  
Center for American Progress  
Chevron Corporation  
Communications Workers of America  
Deutsche Bank AG  
Dow Chemical Co.  
FTI Consulting Inc.  
Facebook  
FilmOn PLC  
Goldman Sachs Group Inc.  
Google Inc.  
Herbalife Ltd.  
Human Rights Campaign  
JPMorgan Chase & Co.

to pause an appeal of the Sixth Circuit's decision that it has jurisdiction to hear challenges to the so-called Waters of the United States rule, arguing that despite President Donald Trump's executive order to revise or rescind the measure, the case should proceed through the courts.

### **EPA Ordered To Review 13 Sources Of Air Pollution By 2020**

A D.C. federal judge on Wednesday ordered the U.S. Environmental Protection Agency to update national emission standards for 13 sources of hazardous air pollutants — which the agency had failed to do as required by the Clean Air Act — by 2019 or 2020.

### **NJ Water Agency Settles Claims Against Ex-Board Members**

A judge on Wednesday approved a roughly \$1.1 million settlement between a defunct Newark, New Jersey, water agency and an insurer over the coverage of mismanagement claims against former agency board members, including U.S. Rep. Donald M. Payne Jr., D-N.J., and U.S. Sen. Cory Booker, D-N.J., whose dismissal victory over the claims was being challenged.

## **HEALTH & LIFE SCIENCES**

### **House Repeals Antitrust Immunity For Health Insurance Cos.**

The U.S. House of Representatives on Wednesday overwhelmingly passed a bill that restores the government's ability to charge health insurers under federal antitrust laws, but while Republicans touted it as a way to protect competition and consumers, Democrats called such claims "exaggerated."

### **ACA Repeal Savings Decline By Nearly \$200B, CBO Says**

Recent revisions to GOP-backed legislation intended to repeal and replace the Affordable Care Act would cause the bill to save almost

Laborers' International Union of North America

Lockheed Martin

Los Angeles Times

Monsanto Company

National Association of Broadcasters

National Association of Manufacturers

National Employment Law Project

National Health Law Program

National Immigration Law Center

Natural Resources Defense Council

Northrop Grumman Corporation

Orange County Transportation Authority

Svenska Cellulosa AB

T-Mobile USA Inc.

Tenaris S.A.

Trump Organization Inc.

United States Steel Corporation

United Steelworkers

Varsity Brands Inc.

## **GOVERNMENT AGENCIES**

Army Corps of Engineers

Bureau of Labor Statistics

Bureau of Land Management

Commodity Futures Trading Commission

Congressional Budget Office

Defense Contract Management Agency

Department of Commerce

Equal Employment Opportunity Commission

European Commission

Executive Office of the President

Federal Acquisition Regulatory Council

\$200 billion less than originally expected, the Congressional Budget Office estimated Thursday.

### **Trump Names Heritage Foundation Director For HHS OCR**

The Donald Trump administration has reportedly named a former Heritage Foundation official to lead the U.S. Department of Health and Human Services' Office of Civil Rights, igniting protests Thursday from civil rights organizations, who call him an "anti-LGBT extremist."

## **SPORTS**

### **Ark. Lawmakers Wavering On Firearms At College Sports**

Arkansas lawmakers on Thursday pushed forward with a new bill that would exempt college sports games from a law passed earlier this week that allows licensed individuals to carry concealed firearms on college campuses across the state.

## **TRANSPORTATION & INFRASTRUCTURE**

### **DC Court Rejects Feds' Bid To Save Amtrak Regulatory Power**

A D.C. federal judge on Thursday rejected the government's bid to preserve a federal statute allowing Amtrak to set performance and scheduling standards along the nation's passenger railways, saying the D.C. Circuit unequivocally struck down the statute as unconstitutional last year.

## **RETAIL & E-COMMERCE**

### **Ariz. Supreme Court Nixes Atty Fee Award In Contract Row**

The Arizona Supreme Court on Thursday threw out attorneys' fees awarded to the successful party in a yearslong contract dispute between a scooter vendor and retailer, saying state law

Federal Communications Commission  
Federal Railroad Administration  
Federal Trade Commission  
Government Accountability Office  
Illinois Supreme Court  
Internal Revenue Service  
International Trade Administration  
International Trade Commission  
Los Angeles County District Attorney's Office  
NATO  
National Labor Relations Board  
National Railroad Passenger Corporation  
Navajo Nation  
New York Attorney General's Office  
Occupational Safety and Health Administration  
Securities and Exchange Commission  
Small Business Administration  
Surface Transportation Board  
U.S. Air Force  
U.S. Army  
U.S. Department of Defense  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of State  
U.S. Department of Transportation  
U.S. Department of the Interior  
U.S. Environmental Protection Agency  
U.S. General Services Administration

came down in favor of the losing side of the dispute because the winner had rejected the loser's written settlement offer.

## REAL ESTATE

### **Miami Hints At Suing Airbnb To Stop Illegal Renting**

The Miami City Commission voted Thursday to look into the possibility of suing platforms like Airbnb as a means of curbing short-term rentals in residential neighborhoods where they're prohibited by zoning laws.

## EMPLOYMENT

### **Worker Groups Give Acosta Thumbs-Down After Hearing**

Labor secretary nominee Alexander Acosta's performance at his confirmation hearing Wednesday drew criticism from labor groups that he failed to outline his position on a range of key issues, an assessment that came even from some organizations that had previously expressed cautious optimism about his selection.

### **NJ Assembly Passes Bill Nixing Secret Whistleblower Deals**

A New Jersey bill that would require whistleblower settlements involving government parties to be public domain received unanimous approval by the Assembly on Thursday, three days after a fired prosecutor testified that his \$1.3 million deal from the state shields key documents supporting his case.

### **Rental Car Co. Settles Sex Bias Case With Lesbian Driver**

A lesbian car transport driver and Enterprise Rent-a-Car subsidiary EAN Holdings LLC have agreed to dismiss her push for the Eighth Circuit to revive her Title VII sexual orientation discrimination case against the company, according to a notice filed Thursday.

U.S. House of Representatives  
U.S. Immigration and Customs  
Enforcement  
U.S. Senate  
U.S. Supreme Court  
United Nations

#### **4th Circ. Affirms Toss Of Retirees' Health Benefits Suit**

A Fourth Circuit panel on Wednesday affirmed a district court's dismissal of a suit from a class of West Virginia aluminum plant retirees and their union that sued the plant's operator after it unilaterally altered its retiree health benefits program, saying their collective bargaining agreement doesn't provide for vested retiree health benefits.

#### **PRIVACY & CONSUMER PROTECTION**

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#### **Calif. Toll System Doesn't Violate Drivers' Privacy, Court Told**

The operators of a cashless toll system in Orange County, California, told a federal judge that state laws authorize toll agencies to use driver information to collect unpaid tolls, slamming a proposed class of drivers claiming the practice violates their privacy.

#### **GOVERNMENT CONTRACTS**

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#### **GSA To Tweak Multiple Award Schedules In April**

The General Services Administration's Federal Acquisition Service will refresh its Multiple Award Schedules in April, incorporating a range of recent related rule changes such as paid sick leave for federal contract employees and small business subcontracting tweaks, it said on Wednesday.

#### **Advocacy Group Warns 5th Circ. Not To Dissuade FCA Suits**

Taxpayers Against Fraud's nonprofit arm urged the Fifth Circuit Wednesday to revive a would-be whistleblower's False Claims Act suit accusing Lockheed Martin and Northrop Grumman of concealing the true cost of the hugely expensive F-35 fighter program, arguing relators like these need to be incentivized, not discouraged.

#### **INTERNATIONAL TRADE**



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### **Lawyers Rip White House For Intervening In Dumping Review**

Lawyers involved in an anti-dumping duty review of Korean oil piping materials blasted the National Trade Council head Peter K. Navarro for allegedly applying White House political pressure and faulty logic to a U.S. Department of Commerce dumping margin review.

### **India Floats Draft Text Of WTO Services Agreement**

India has circulated a new proposal outlining its vision for a World Trade Organization services agreement, which could loosen up cross-border rules for financial services, telecommunications and scores of other lucrative industries, the WTO said Thursday.

### **TAX**

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### **Ill. Justices Remand Non-Profit Hospital Property Tax Issue**

A long-fought case involving property tax exemptions for non-profit hospitals will head back to circuit court after the Illinois Supreme Court declined to rule on the law's constitutionality Thursday.

### **Employers Flouting Tax Laws Owe \$45B, IRS Watchdog Says**

Nearly 1.5 million employers in the U.S. owed more than \$45 billion in employment taxes, interest and penalties as of December 2015, according to a Wednesday report from an Internal Revenue Service watchdog, which said the IRS should change how it pursues egregious employment tax cases.

### **IMMIGRATION**

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### **Courts Should Be Safe For Immigrants: Wash. Chief Justice**

Washington State Supreme Court Chief Justice Mary Fairhurst on Wednesday proposed

designating local courthouses as "sensitive areas" to rein in immigration enforcement activity on site, saying current enforcement efforts could make immigrants hesitant about seeking public services and protection.

## NATIVE AMERICAN

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### **Navajo Again Sues DOI Over \$17M Judicial Branch Funding**

The Navajo Nation has accused the U.S. Department of the Interior in D.C. federal court of improperly rejecting most of a roughly \$17 million funding request for its judicial branch, the latest installment in a back-and-forth about how much money the tribe is entitled to for the branch's operation.

## TELECOMMUNICATIONS

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### **FCC Advances Plan Targeting Illegal Robocalls**

The Federal Communications Commission on Thursday agreed to float a proposal at an active meeting, which would allow certain carrier call-blocking to limit unlawful robocalls, with the FCC chief touting it after the meeting as part of his "fast start" as chairman.

### **T-Mobile Urges FCC Not To Delay Post-Auction Transition**

T-Mobile encouraged the Federal Communications Commission on Wednesday to refuse broadcaster requests to delay the transition of stations to new channels after the broadcast incentive auction, arguing that there is no justification for extending or delaying the process.

## PEOPLE

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### **Former CFTC General Counsel Joins Skadden In DC**

The former general counsel for the U.S. Commodity Futures Trading Commission has joined Skadden Arps Slate Meagher & Flom

LLP's derivatives group in Washington, D.C., the firm announced on Thursday.

### **Arnold & Porter Snags Ex-Obama Enviro Official**

Arnold & Porter Kaye Scholer LLP has added to its Washington, D.C., office a top Obama appointee recently departed from the U.S. Environmental Protection Agency.

## **EXPERT ANALYSIS**

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### **Delays And Uncertainty Surround Trump's Latest Travel Ban**

As the constitutionality of President Donald Trump's latest immigration-related executive order is pending, the administration is cracking down on immigration benefits more generally, and employers may want to exercise extreme caution before having nationals of the EO's six designated countries travel internationally, say Maria Fernanda Gandarez and Matthew Kolodziej of Ogletree Deakins Nash Smoak & Stewart PC.

### **Reducing Administrative Burden Under New 'Common Rule'**

The U.S. Department of Health and Human Services' recent revisions to the "Common Rule" aim to reduce administrative and regulatory burden on the informed consent process. However, the revised rule will simply add to or shift such burden to other individuals and entities, say Lisa Rooney and Scott Lipkin of FTI Consulting.

### **Construction Projects Require Special Contracts In Nevada**

Standard form construction contracts and custom contracts developed for use in other states do not comply with Nevada law. When beginning a construction project in Nevada, those contracts must be modified to account for the state's unique construction statutes, says Paul Georgeson of McDonald Carano LLP.

## **10 Tips For Better Legal Negotiations**

Like everything else, the art of negotiation starts by having a conversation. It's about being respectful, finding common ground, knowing what you want and, most importantly, listening. A conversation between two lawyers can be complicated at best, but by employing a few techniques and tactics, it doesn't have to be that way, says Marc Siegel of Siegel & Dolan Ltd.

## **LEGAL INDUSTRY**

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### **Law Firms' Flex Work Options Little Used, Study Says**

Lawyers are still reluctant to take advantage of telecommuting, reduced hours arrangements and other flexible work options despite the presence of formal policies at their law firms, according to a new study released Wednesday.

### **Chadbourn Pressed Women Attys To Pan Bias Suit, Vet Says**

Facing a \$100 million proposed class action accusing the firm of systematic discrimination against women lawyers, Chadbourne & Parke LLP's D.C. office head pressured other female partners to sign a letter disavowing the allegations, one of the women lawyers suing the firm said in a Thursday filing.

### **Law360's Weekly Verdict: Legal Lions & Lambs**

Goodwin Procter LLP reigned supreme on the legal lions list this week, securing the U.S. Supreme Court's favor for the country's largest cheerleading uniform supplier in a copyright infringement suit, while Amster Rothstein & Ebenstein LLP was among the week's legal lambs over another high court decision in which the justices axed its client's laches defense in a patent infringement suit over adult diapers.

### **Dewey Finance Staffer Says She Cooked The Books**

A former Dewey & LeBoeuf LLP finance department staffer told a Manhattan jury Thursday she improperly reversed accounting entries on the law firm's books and lied to partners and others who questioned the suspect treatments.

### **Pro Bono Institute CEO Talks In-House Work For Public Good**

In-house pro bono programs can boost morale and build stronger teams, but corporate legal departments need to address a few unique issues before launching one, according to Eve Runyon, president and CEO of the Pro Bono Institute.

### **Longtime Illinois Federal Judge John Darrah Dies At 78**

U.S. District Judge John Darrah, who spent about 30 years on the bench in state and federal courts and earned a reputation as a fair and dedicated public servant, passed away on Thursday at age 78.

#### **JOBS**

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**From:** Public Policy Law360  
**Sent:** Monday, March 27, 2017 5:28 AM  
**To:** Rep48  
**Subject:** After Repeal Fails, GOP Faces Pressure To Make ACA Work



Monday, March 27, 2017



## TOP NEWS

### **After Repeal Fails, GOP Faces Pressure To Make ACA Work**

The collapse of Republican efforts to repeal and replace the Affordable Care Act leaves GOP lawmakers and President Donald Trump facing strong pressure to help implement a law they have bitterly opposed for years, experts say.

### **ABA President Balks At Rep's Call For More Lawyer Ad Regs**

The president of the American Bar Association pushed back Friday on a call from a U.S. House of Representative judicial leader for new regulations on "dangerous attorney advertisements" put out by firms seeking clients for cases against drugmakers, reminding him of First Amendment protections and rules that are already in place.

#### **Analysis**

### **EEOC Guidance Draws Fire For Stance On Orientation Bias**

Law firms and LGBT rights advocates were among those who weighed in on the U.S. Equal Employment Opportunity Commission's new workplace harassment guidance before the recent comment deadline, discussing provisions that say Title VII prohibits harassment based on sexual orientation and a perceived paucity of

## LAW FIRMS

Akeel & Valentine  
Arnold & Porter Kaye Scholer  
Blank Rome  
Brownstein Hyatt  
Covington & Burling  
Cravath Swaine  
Crowell & Moring  
Davis Wright Tremaine  
Debevoise & Plimpton  
Dechert  
Dewey & LeBoeuf  
Doerner Saunders  
Dorsey & Whitney  
Edelson PC  
Epstein Becker Green  
Foley & Lardner  
Gardere Wynne Sewell  
Haynes and Boone  
Hogan Lovells  
Holland & Knight  
Jackson Lewis  
Jacoby & Meyers  
Johnson & Bell  
Karnopp Petersen LLP

detail on joint-employer liability. Here, Law360 looks at three areas of the proposed guidance that commenters want changed or clarified.

#### Analysis

### **What You Need To Know About The Border Wall So Far**

With the U.S. government officially seeking proposals for the border wall, the Trump administration seems determined to get started on its wall project as soon as possible. Here's a look at the wall's potential costs, its contracting requirements and the many land, tribal and environmental issues that could get in the way.

#### Analysis

### **FCC Faces Quandary If Obama-Era Privacy Rules Get Boot**

If the House follows the U.S. Senate's lead in voting to undo late Obama-era Federal Communications Commission privacy rules for internet service providers, experts say the FCC may face an untested legal question of whether it can adopt an alternative preferred by the agency's new GOP chairman.

### **Va. Court Refuses To Block Trump's Latest Travel Ban**

A Virginia federal judge on Friday refused to issue a ruling blocking President Trump's revised travel ban, in a break with two other federal courts that have considered the issue, pointing to "substantive revisions" in the president's new executive order.

### **Federal Tort Reform Bill Could Save \$50B, CBO Says**

The Congressional Budget Office said a tort reform bill that proposes to put a nationwide cap on noneconomic damages in medical malpractice cases arising out of federally funded health care programs could save up to \$50 billion in health care costs over the next 10 years.

## **BANKING & SECURITIES**

### **Lawyers' Committee for Civil Rights**

Miller & Chevalier

Miller Shakman

Morrison Cohen

Ogletree Deakins

Osler Hoskin

Pachulski Stang

Paul Weiss

Proskauer Rose

Reed Smith

Sauer & Wagner

Seward & Kissel

Seyfarth Shaw

Skadden

Squire Patton Boggs

Steptoe & Johnson LLP

Stroock & Stroock

Sullivan & Cromwell

Telecommunications Law Professionals

Thompson & Knight

Thrasher Dinsmore

Warren Environmental Counsel LLC

Weil Gotshal

White & Case

Winston & Strawn

Ziprick & Cramer

### **COMPANIES**

AARP Inc.

Ally Financial Inc.

Altera Corporation

Amazon.com Inc.

America's Essential Hospitals

America's Health Insurance Plans

American Association of State Highway and Transportation Officials

### **Piwowar Applauds Market Study, Plans Exchange Fees Pilot**

Acting U.S. Securities and Exchange Commission Chair Michael Piwowar on Thursday praised plans to launch an academic study of the U.S. securities markets as "long overdue" and revealed he has directed agency staff to propose their own plan to test the impact of altering the fees that exchanges charge for executing trades.

### **Fed, FDIC Seek Improvements In Northern Trust's Living Will**

Federal banking regulators on Friday said that plans submitted by 16 U.S. regional banks outlining how they could be taken apart through bankruptcy were largely credible, but said that Northern Trust Corp. did not sufficiently address questions about how its international units could be taken apart.

### **Jacoby Loses 2nd Circ. Bid Over NY Outside Investor Ban**

Jacoby & Meyers LLP lost its bid to revive its yearslong suit challenging New York state regulations barring nonlawyers from investing in law firms on Friday when a Second Circuit panel said the firm's free speech claims fell flat.

## **ENERGY & ENVIRONMENTAL**

### **Trump Grants Cross-Border Permit For Keystone XL Pipeline**

The U.S. Department of State on Friday issued a cross-border permit for TransCanada Corp.'s Keystone XL pipeline, fulfilling President Donald J. Trump's vow to move the controversial project forward after it was rejected by former President Barack Obama.

### **Colo. Appeals Court Revives Fracking Rule Proposal**

The Colorado Court of Appeals said Thursday the state Oil and Gas Conservation Commission was too hasty when it told a group

American Bar Association  
American Express Company  
American Hospital Association  
American Immigration Lawyers Association  
American Medical Association Inc.  
American Municipal Power Inc.  
Apple Inc.  
Associated Press  
BB&T Corporation  
Barclays PLC  
Biogen Inc.  
Bristol-Myers Squibb Company  
CTIA  
Cable-Satellite Public Affairs Network  
Capital One Financial Corporation  
Cargill Inc.  
Chevron Corporation  
Comerica Inc.  
Corporation for Public Broadcasting  
Credit Suisse Group AG  
Deloitte Touche  
Deutsche Bank AG  
Discover Financial Services  
Electronic Frontier Foundation  
Enbridge  
Facebook  
Fannie Mae  
Farm Credit System  
Fifth Third Bancorp  
Florida Bar Association  
Freddie Mac  
Genentech Inc.  
Google Inc.  
Human Rights Campaign  
Huntington Bancshares Inc.



of residents it could not adjust its permit process to dedicate more resources to studying fracking projects' effects on public health, safety and welfare.

### **Power Co. Urges High Court To Review EPA Boiler Rule**

An electric power wholesaler on Thursday asked the U.S. Supreme Court to strike down the U.S. Environmental Protection Agency's emissions rules for boilers and incinerators, saying the standards require "impossible perfect performance?" and outlaw accidental releases.

### **Pa. Landowners' Suit To Get Fracking Project OK'd Tossed**

A Pennsylvania federal judge on Thursday dismissed a suit brought by landowners challenging the Delaware River Basin Commission's jurisdiction over natural gas wells in the face of the governing body's alleged de facto ban on the wells, deciding that the commission does have an oversight role and that individuals who want to extract natural gas must first seek its permission.

## **HEALTH & LIFE SCIENCES**

### **ACA Repeal Bill Collapses In House**

House Republicans on Friday called off a vote to repeal and replace much of the Affordable Care Act, a dramatic setback after President Donald Trump shut down negotiations and tried to force the legislation ahead.

## **IP & TECHNOLOGY**

### **USPTO Forms Group To Implement Trump's '1 In, 2 Out' Rule**

The U.S. Patent and Trademark Office announced Friday that it has formed a working group to identify regulations that can be eliminated under President Donald Trump's executive order that for every new regulation

Illinois Transportation Trade Association

Intel Corporation

International Business Machines Corporation

Johnson & Johnson

KeyCorp

Lambda Legal Defense & Educational Fund

Lawyers' Committee for Civil Rights Under Law

Lyft Inc.

M&T Bank Corporation

Massachusetts Bay Transportation Authority

Microsoft Corporation

Mobilite LLC

Motion Picture Association of America

National Association of Broadcasters

National Association of Counties Inc.

National Employment Law Project

National Employment Lawyers Association

Natural Resources Defense Council

Nintendo Co. Ltd.

Northern Trust Corporation

Pacific Legal Foundation

Pfizer Inc.

Pitney Bowes Inc.

Pnc Financial Services Group, The  
Public Knowledge

Regions Financial Corporation

Sanofi-Aventis

Sierra Club

Sonoco Products Co.

Southern Poverty Law Center

issued by government agencies, two others must be discarded.

### **House Bill Would Make Copyright Chief President Appointee**

The House of Representatives on Thursday introduced a bipartisan bill that would make the register of copyrights a presidentially appointed position, in a move lawmakers are calling a first step in a broader overhaul intended to bring the office into the digital age by giving it more resources and more independence.

## **TRANSPORTATION & INFRASTRUCTURE**

### **Calif. Advances Methane, Vehicle Emissions Standards**

The California Air Resources Board on Thursday approved several anti-pollution measures including strict new regulations on methane emissions from oil and gas operations, a commitment to increase automobile fuel efficiency, and a plan to reduce short-lived climate pollutants like black carbon.

### **Chicago Cabbies Take Uber Regs Fight To Supreme Court**

Chicago taxi companies Wednesday asked the U.S. Supreme Court to hear their arguments that city regulations covering ride-hailing platforms like Uber and Lyft violate the cab businesses' constitutional rights.

## **CLASS ACTION**

### **Gay Surviving Spouses Win Fla. Death Certificates Suit**

A Florida federal judge has shot down the state's policy of requiring a court order before it will add a surviving same-sex spouse to a death certificate when the death preceded the overturning of Florida's ban on gay marriage.

## **EMPLOYMENT**

Stroz Friedberg LLC  
Suntrust Banks Inc.  
Svenska Cellulosa AB  
T-Mobile USA Inc.  
The Cato Corporation  
TransCanada Corporation  
Turner Broadcasting System Inc.  
Twitter Inc.  
U.S. Bancorp  
U.S. Chamber of Commerce  
UBS AG  
United Food and Commercial Workers International Union  
Verizon Communications  
Washington Metropolitan Area Transit Authority  
Washington Post Co.  
Wells Fargo & Co.  
Yahoo! Inc.

## **GOVERNMENT AGENCIES**

Alaska Legislature  
California Environmental Protection Agency  
Central Command  
Central Intelligence Agency  
Commodity Futures Trading Commission  
Congressional Budget Office  
Consumer Financial Protection Bureau  
Corporation for National and Community Service  
Delaware River Basin Commission  
Department of Commerce  
Equal Employment Opportunity Commission  
European Commission  
Executive Office of the President

### **8th Circ. Rules Cargill's Refusal To Bargain Flouted Labor Law**

The Eighth Circuit in a precedential ruling Friday rejected Cargill Inc.'s challenge to the National Labor Relations Board's conclusion that it engaged in an unfair labor practice by refusing to bargain with a union in protest of its certification as the collective bargaining representative of employees at a California plant.

### **Calif. Judges' Recession Raises 'Absurd,' Appeals Court Told**

A California deputy attorney general argued to a state appellate panel that a lower court misinterpreted a state law regarding salary increases for state judicial officers, resulting in the "absurd consequence" of finding them entitled to a pay raise during the state's fiscal crisis.

### **Ill. Lawmakers Must Be Paid Despite Budget Impasse: Judge**

Illinois lawmakers must be paid despite the state's historic budget impasse, a Cook County judge ruled Thursday, reversing course for both current Democratic Comptroller Susana Mendoza and her predecessor, Republican Leslie Munger.

## **PRIVACY & CONSUMER PROTECTION**

### **EU Lawmakers Declare 'Privacy Shield' Pact Inadequate**

A European parliamentary committee on Thursday narrowly approved a resolution that slammed the EU-U.S. Privacy Shield data transfer pact for "key deficiencies" that need to be addressed during an upcoming review of the mechanism, including concerns over the U.S. government's alleged failure to curb sweeping surveillance efforts.

### **CFPB Gives Mortgage Lenders Flexibility In Fair Lending Law**

Federal Bureau of Investigation  
Federal Communications Commission  
Federal Deposit Insurance Corp.  
Federal Reserve System  
Federal Trade Commission  
Florida Department of Health  
Food and Drug Administration  
Government Accountability Office  
Internal Revenue Service  
Library of Congress  
Michigan Department of Treasury  
Michigan Legislature  
NAFTA  
NATO  
National Labor Relations Board  
National Oceanic and Atmospheric Administration  
National Security Agency  
Nebraska Public Service Commission  
Occupational Safety and Health Administration  
Securities and Exchange Commission  
Skokomish Indian Tribe  
Smithsonian Institution  
Suquamish Tribe  
Tohono O'odham Nation  
U.S. Army  
U.S. Coast Guard  
U.S. Copyright Office  
U.S. Customs and Border Protection  
U.S. Department of Defense  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice

The Consumer Financial Protection Bureau on Friday proposed a rule change that would give mortgage lenders more flexibility in collecting information about the ethnicity and race of potential borrowers, potentially making it easier for lenders to comply with a key fair lending law.

## **AEROSPACE & DEFENSE**

### **NATO Commander Wants More Resources To Counter Russia**

The four-star U.S. general who heads NATO's military efforts in Europe told Congress on Thursday he needed more resources to help counter Russian aggression and that lawmakers should back Montenegro's efforts to join the alliance.

### **Manafort Will Talk To Congress On Russia Claims**

Paul Manafort, the former campaign manager for President Donald Trump, is willing to discuss his alleged links to Russia with the House Intelligence Committee, Chairman Devin Nunes, R-Calif., said Friday, as the committee's top Democrat slammed Nunes for canceling a hearing regarding Russian interference with the presidential election.

### **DOD Blasts 'Incoherent' GAO Report On Security Cooperation**

The Pentagon is at loggerheads with Congress' favorite watchdog agency over the latter's painstaking "inventory" of U.S. security cooperation programs with foreign governments, saying the new report is "scattershot and incoherent" and belongs in the waste bin in comments made available Friday.

## **INTERNATIONAL TRADE**

### **Trade Protectionism Has A 'Bloody' History, WTO Boss Warns**

World Trade Organization Director-General Roberto Azevedo continued his crusade against the rising tide of trade barriers on Thursday,

U.S. Department of Labor  
U.S. Department of State  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Office of Personnel Management  
U.S. Patent and Trademark Office  
U.S. Senate  
U.S. Supreme Court  
United Nations  
Virginia Department of Transportation

warning that the "bloody" history of protectionism could rear its head once again if major economies abandon the multilateral trading system.

## TAX

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### **Ala. Gov. Signs Remote Vendor Sales Tax Reporting Bill**

Alabama Republican Gov. Robert Bentley on Wednesday signed into law legislation requiring out-of-state sellers to report their sales to the state Department of Revenue and notify customers of their resulting tax obligations.

### **IBM Urges Justices To Review Michigan's Exit From Tax Deal**

IBM on Friday slammed the Michigan Department of Treasury's claim that its backdated withdrawal from a multistate tax deal was not retroactive but rather a clarification of existing law, saying in a brief to the U.S. Supreme Court that the Michigan Legislature explicitly acknowledged it was acting retroactively when it repealed the deal.

### **Tax Court Upholds IRS Reg Against Nursing Home's Challenge**

A U.S. Tax Court judge upheld an IRS distinction between individual and corporate taxpayers experiencing economic hardship in a Thursday ruling, rebuffing an oft-noncompliant Oklahoma nursing home seeking relief by challenging the rule as illegal.

## INTERNATIONAL ARBITRATION

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### **New Int'l Arbitration Regime Takes Effect In Ontario**

The Government of Ontario has enacted legislation to adopt a new international arbitration law, including explicit recognition of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

## IMMIGRATION

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### **State Dept. Seeks More Scrutiny For Some Visa Applicants**

The U.S. Department of State has instructed consular posts abroad to increase scrutiny for some visa applicants, according to a cable posted by the American Immigration Lawyers Association, implementing a memo that President Donald Trump signed along with his revised travel ban executive order.

### **Shiite Org, Yemeni Parents File Latest Travel Ban Challenge**

The U.S. arm of a Shiite Muslim organization and a Yemeni husband and wife were the latest to challenge President Donald Trump's revised executive order banning people from six Muslim-majority countries from entering the United States, alleging Friday that the order is outright religious discrimination.

### **NATIVE AMERICAN**

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### **Wash. Tribe's Suit Contesting Hunting Grounds Gets Tossed**

A Washington federal judge on Thursday tossed the Skokomish Indian Tribe's suit accusing members of the Suquamish Tribal Council and that tribe's fisheries director of encroaching on its hunting grounds, after finding that there are crucial parties that cannot be added to the dispute.

### **TELECOMMUNICATIONS**

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### **FCC Warned 5G Preemption Could Cost Localities 'Billions'**

The National League of Cities, the United States Conference of Mayors and other organizations asked the Federal Communications Commission on Thursday to allow more time for comments on a request that it overrule local barriers to deploying fifth-generation wireless infrastructure, saying that

the issue is complex and could cost local governments billions of dollars annually.

## EXPERT ANALYSIS

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### **Trump's Skinny EPA Budget Could Have Far-Reaching Impacts**

A review of President Donald Trump's recent budget proposal suggests that none of his goals for the U.S. Environmental Protection Agency would be well-served. In fact, the EPA, states, tribes and other federal agencies would all face serious issues in protecting human health and the environment, says Jim Rubin of Dorsey & Whitney LLP.

### **Limiting Presidential Powers At The High Court**

The U.S. Supreme Court's recent ruling in *National Labor Relations Board v. SW General* certainly has the potential to genuinely impact the Trump administration. However, the real consequences of the court's ruling to employers, unions and others with business before the board may become apparent after NLRB general counsel Richard Griffin's four-year term expires in November, say Steven Swirsky and Laura Monaco of Epstein Becker & Green PC.

### **A Straightforward Insider Trading Statute Is Overdue**

As Judge Jed Rakoff observed in a recent speech, it would benefit prosecutors, the courts and investors to have a clearly drafted statute setting forth, to the most specific degree possible, exactly what about insider trading is illegal, and why, say Jason Gottlieb and Daniel Isaacs of Morrison Cohen LLP.

### **Understanding Defense Strategies For 505(b)(2) Drugs**

Manufacturers of new drugs submitted for approval to the U.S. Food and Drug Administration under 505(b)(2) face different challenges than innovators or generic

manufacturers. These manufacturers also have access to unique fact-based defenses, so they should closely review allegations setting out the type and dates information that plaintiffs argue should have led to a stronger warning, say Terry Henry and Ann Querns of Blank Rome LLP.

### **In Congress: Light Floor Schedule, Heavy On Committees**

Republican leadership in the House and Senate will need to refocus their efforts this week, after a failed attempt to repeal and replace the Affordable Care Act. The lead-up to the canceled vote last week highlighted the divisions within the Republican conference, say Richard Hertling and Kaitlyn McClure of Covington & Burling LLP.

## **LEGAL INDUSTRY**

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### **News Analysis**

## **Gorsuch Sets New Standard For Evasive High Court Nominees**

Although all modern-day Supreme Court nominees have been famously reticent when facing the Senate, Judge Neil Gorsuch may have taken such evasiveness to a new level in his confirmation hearings.

### **Feature**

## **How Cybercriminals Are Breaching BigLaw's Defenses**

Lawyers have long been the target of sophisticated hackers who see them as soft and lucrative targets. But are legal industry safeguards keeping pace with the deep dark web?



## **New Lawyers Must Embrace Emerging Tech, Paper Says**

An influx of new and emerging technologies means a number of legal industry changes and the possible elimination of legal work in certain areas, creating a need to educate up-and-coming law students on how to capitalize on these shifts, a new paper released on Thursday said.

## **GC Cheat Sheet: The Hottest Corporate News Of The Week**

Most law firms say clients refuse to pay up for research costs, the U.S. Supreme Court rejects laches as a defense in patent cases, and Amazon gets a big win in its \$1.5 billion tax dispute over European licensing payments. Those stories top the corporate legal news you may have missed last week.

## **Campaign Lies Show Need To End Judge Elections, Prof Says**

Attempts by states to shut down campaign lies by judicial candidates are likely unconstitutional and ultimately fruitless, a Florida law professor argued in a recently released paper, raising the question of whether popular elections should be eliminated altogether in order to enforce honesty.

## **Dewey Staffer Says She Didn't Think She Committed Crimes**

A former Dewey & LeBoeuf LLP finance staffer told a Manhattan federal jury Friday she did not think she was committing a crime by making improper accounting entries into the law firm's books, and confirmed that former Executive Director Stephen DiCarmino never told her to do anything inappropriate.

## **6th Circ. Says Award Can Stand In Law Firm Partnership Row**

The Sixth Circuit on Friday sided with three members of a now-dissolved law firm in a dispute over a fourth member's share in the partnership during retirement, finding an Ohio

federal court was right to allow an arbitrator to resolve the disagreement, and that her rulings were proper.

### **In Case You Missed It: Hottest Firms And Stories On Law360**

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

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**From:** Public Policy Law360  
**Sent:** Wednesday, March 29, 2017 4:34 AM  
**To:** Rep48  
**Subject:** Trump Energy Order Creates Tough Choices For Agencies



Wednesday, March 29, 2017



## TOP NEWS

### Analysis

#### **Trump Energy Order Creates Tough Choices For Agencies**

President Donald Trump ordered his administration Tuesday to review and possibly rescind several Obama-era energy rules and policies, some of which are already embroiled in litigation, but exactly how Trump's agencies will go about carrying out the anticipated rollback remains unclear.

#### **Senate Set For Gorsuch Showdown Next Week**

U.S. Senate leaders have vowed a showdown over the nomination of Tenth Circuit Judge Neil Gorsuch next week, promising a fight on Tuesday over President Donald Trump's choice to fill the late Justice Antonin Scalia's seat on the U.S. Supreme Court.

#### **House Votes To Repeal FCC Privacy Rules**

Congress has now voted to repeal Federal Communication Commission broadband privacy rules after a House vote Tuesday sent the controversial provision to President Donald Trump's desk.

## LAW FIRMS

Akerman  
Akin Gump  
Alston & Bird  
Arnold & Porter Kaye Scholer  
Audet & Partners  
Baker Botts  
Cuneo Gilbert  
Dentons  
Dewey & LeBoeuf  
Earthjustice  
Goodwin  
Greenberg Traurig  
Holland & Hart  
Kennerly Loutey  
Kennyhertz Perry  
Levine Kellogg  
Levine Sullivan  
Littler Mendelson  
McGuireWoods  
Morgan Lewis  
Nossaman LLP  
Ogletree Deakins  
Orrick Herrington  
Proskauer Rose  
Seward & Kissel

### **Speaker Ryan Hints At Continued Action On Health Reform**

Efforts to repeal the Affordable Care Act have not been taken out to pasture yet, Republican House Speaker Paul Ryan said on Tuesday, hinting that his caucus might bring forward new reform proposals in the future, days after he pulled a planned floor vote over defections within the Republican Party.

### **Senate Democrats Want Answers On Bharara's Firing**

Senate Democrats Elizabeth Warren, Richard Blumenthal and Jeff Merkley on Tuesday demanded answers from Attorney General Jeff Sessions about why Preet Bharara was fired from his position as U.S. attorney for the Southern District of New York, especially given reports that he was investigating HHS Secretary Tom Price's stock trades.

### **Trump Signs Order Targeting Obama's Climate Legacy**

President Donald Trump signed a sweeping executive order on Tuesday that directed the U.S. Environmental Protection Agency to start rolling back the Clean Power Plan, lifted the Obama administration's moratorium on coal leasing on federal lands and told the Department of the Interior to consider rescinding its rule regulating hydraulic fracturing on public and tribal lands.

#### **Analysis**

### **Future Rollbacks May Not Be As Easy As Blacklisting Repeal**

President Donald Trump's repeal of the contentious Fair Pay and Safe Workplaces rule is welcome news for federal contractors, but despite the president's promises to repeal burdensome regulations, it remains uncertain when or if he will be able to roll back more rules affecting contractors.

### **GCs Ask Congress To Fund Legal Services Despite Trump Cut**

Skadden  
Tor Hoerman  
Troutman Sanders  
VLP Law Group  
Venable LLP  
Wiley Rein  
Woodruff Spradlin  
Zeldes Haeggquist

#### **COMPANIES**

AT&T Inc.  
Adidas AG  
Airbnb Inc.  
American Bar Association  
American Civil Liberties Union  
American Express Company  
Amgen Inc.  
Apple Inc.  
Asian American Center for Advancing Justice  
Association of Corporate Counsel  
Biogen Inc.  
Bristol-Myers Squibb Company  
BuzzFeed Inc.  
Center for Biological Diversity Inc.  
CenturyLink Inc.  
Comcast Corporation  
Corporation for Public Broadcasting  
Cox Communications Inc.  
Eli Lilly and Company  
Ernst & Young  
Fidelity Investments  
Financial Industry Regulatory Authority Inc.  
Google Inc.  
Hewlett Packard Enterprise Co.  
International Business Machines Corporation  
McKesson Corporation

In the face of a proposal by President Donald Trump to fully eliminate federal funding for the the Legal Services Corp., general counsel from more than 180 major companies including Google, Adidas and Starbucks Corp. on Tuesday urged Congress to fully support the organization in the upcoming fiscal year.

## **BANKING & SECURITIES**

### **Feds Flunk Wells Fargo On Community Lending Exam**

A federal banking regulator flunked Wells Fargo & Co. on a review of its lending to minority and lower income communities, citing the bank's fake account scandal and other enforcement actions, the bank announced Tuesday.

### **MSRB Ad Rule Proposals Take Heat From Some Muni Advisers**

The Municipal Securities Rulemaking Board's proposals to update advertising rules to apply to municipal advisers and dovetail with a FINRA rule have received mixed responses, with some advisers saying their services to local bond issuers are treated too much like the products sold by broker-dealers.

### **Stock Promoter Can't Sue To Stop SEC Action, Judge Says**

A Kansas federal judge tossed a lawsuit to halt a U.S. Securities and Exchange Commission administrative proceeding against a stock promoter, saying Tuesday that the Tenth Circuit had vacated agency sanctions in a separate case under different circumstances.

## **ENERGY & ENVIRONMENTAL**

### **Maryland Poised To Indefinitely Ban Fracking**

Maryland state lawmakers on Monday approved legislation that would indefinitely ban hydraulic fracturing in the state, a bill that has the support of Gov. Larry Hogan and that, if signed, would

Medtronic Inc.  
Microsoft Corporation  
National Association of Home Builders  
National Cattlemen's Beef Association  
National Employment Law Project  
National Federation of Independent Business  
National Wildlife Federation  
Netflix Inc.  
New England Compounding Pharmacy Inc.  
North American Meat Institute  
Orange County Transportation Authority  
Penn National Gaming Inc.  
Pfizer Inc.  
Rockland Capital LLC  
Ryan LLC  
SIFMA  
Sierra Club  
Starbucks Corporation  
Symantec Corporation  
TransAm Trucking Inc.  
Twitter Inc.  
U.S. Meat Export Federation  
U.S. Pharmacopeial Convention  
United Auto Workers  
Verizon Communications  
Volkswagen  
Wells Fargo & Co.  
Zeughauser Group LLC  
eBay Inc.

## **GOVERNMENT AGENCIES**

Army Corps of Engineers  
Bureau of Reclamation  
Centers for Disease Control and Prevention

represent the first state legislative ban of the controversial drilling technique.

### **Pa. Justices Won't Revive Citizens' Bid For Enviro Study**

The Pennsylvania Supreme Court on Tuesday batted down an appeal from a group of state residents seeking a court order requiring the governor's office and several state regulators to conduct studies and develop plans to reduce greenhouse gases, upholding a lower court's decision that the petitioners do not have a clear right to have these requests satisfied.

### **Judge Denies FWS Bid To Shut Down Coastal Marten ESA Suit**

A California federal judge on Tuesday denied a bid by the U.S. Fish and Wildlife Service to toss allegations that it made an unreasonable decision in not extending Endangered Species Act protection to the coastal marten, agreeing with the Center for Biological Diversity that the agency erroneously concluded that the animal's population was "robust."

### **Feds Ordered To Release More Water For Vulnerable Fish**

An Oregon federal judge ruled Monday that, beginning in the spring of 2018, the U.S. government must boost water releases over spillways at a series of eight dams along the Columbia and Snake rivers in an effort to increase the survival of threatened salmon and steelhead that migrate up and down the waterways.

### **NJ Official Sues Online Critics Over Pipeline Vote Bashing**

A New Jersey Pinelands Commission member has brought a defamation suit in New Jersey state court against 14 people over online criticism of her vote to approve South Jersey Gas' contentious proposal for a pipeline in an environmentally sensitive region, saying the remarks have damaged her livelihood as a realtor.

Congressional Budget Office  
Consumer Financial Protection Bureau  
Council on Environmental Quality  
Executive Office of the President  
Federal Acquisition Regulatory Council  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Housing Administration  
Federal Reserve System  
Federal Trade Commission  
Fish and Wildlife Service  
Florida House of Representatives  
Food and Drug Administration  
Government Accountability Office  
Internal Revenue Service  
Iowa Legislature  
Legal Services Corp.  
Municipal Securities Rulemaking Board  
National Labor Relations Board  
National Marine Fisheries Service  
New York Attorney General's Office  
Nez Perce Tribe  
Office of the Comptroller of the Currency  
Pennsylvania Department of Environmental Protection  
Pennsylvania Public Utility Commission  
Pennsylvania Supreme Court  
Securities and Exchange Commission  
U.S. Army  
U.S. Department of Defense  
U.S. Department of Energy

## MEDIA & ENTERTAINMENT

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### **Pennsylvania Lawmakers Push For Video Gambling Expansion**

A bipartisan group of lawmakers from both houses of the Pennsylvania Legislature on Monday announced plans for a major push to expand gambling in the state, including video gambling at retail establishments, bars and restaurants.

### **Cute Kitten Bolsters Brief In BuzzFeed Defamation Row**

Buzzfeed Inc. can't suddenly plead ignorance of where Florida is just to avoid facing a lawsuit, a Russian technology executive argued in a filing that employed clickbait-worthy tactics, including BuzzFeed-like lists and a photograph of a kitten, as part of his bid to keep his defamation suit against the company in the Sunshine State.

## TRANSPORTATION & INFRASTRUCTURE

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### **Calif. Toll Operators Defend System As Constitutional**

The operators of the 91 Express Lanes in Orange County, California, told a federal judge Monday that they're well within their authority to use driver information to collect unpaid tolls, slamming a proposed class of motorists who allege their privacy is being violated and that the tolls are unconstitutional.

### **Auto Union Urges DC Circ. To Uphold VW Unit Ruling**

A United Auto Workers local urged the D.C. Circuit on Monday to back the National Labor Relations Board's approval of a micro-unit of maintenance workers at Volkswagen's Tennessee plant, saying the unit met the labor board's standard to qualify for collective bargaining.

## AEROSPACE & DEFENSE

U.S. Department of Health and Human Services

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. Senate

U.S. Supreme Court

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### **DOJ Terrorism Monitoring Program Upheld By Calif. Judge**

The U.S. Department of Justice crossed the right T's in establishing a lower-than-"reasonable suspicion" standard under which local law enforcement submits reports of potential terrorist activity, a California federal judge said Monday in tossing a lawsuit challenging the collection program as profiling.

### **REAL ESTATE**

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### **Bill Barring Restrictions On Airbnb Advances In Fla. House**

A Florida House subcommittee voted Tuesday to approve a bill that bars cities and counties from passing new ordinances restricting short-term rentals, setting up a showdown between Tallahassee and Miami, where local governments have launched an attack on Airbnb and similar short-term rental platforms.

### **EMPLOYMENT**

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### **Iowa Senate OKs Rollback Of Local Minimum Wage Increases**

The Iowa Senate on Monday approved legislation that would freeze the state's minimum wage at the federal rate of \$7.25 per hour and retroactively invalidate any local laws mandating an hourly rate that exceeds the state standard.

### **COMPETITION**

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### **FTC To Counter State Special Interests, Ohlhausen Says**

The U.S. Federal Trade Commission will advocate on a state level to oppose special-interest groups seeking to impose onerous job licensing requirements and other regulations that limit competition, FTC Acting Chair Maureen K. Ohlhausen said Tuesday.



## PRIVACY & CONSUMER PROTECTION

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### Analysis

#### **NY's 'Right To Be Forgotten' Bill Needs Narrower Focus**

New York lawmakers are weighing novel legislation that would force online publishers such as Google to delete information flagged as inaccurate or irrelevant. But the bill's failure to account for First Amendment rights makes it unlikely that the sweeping proposal will go very far, attorneys say.

## INTERNATIONAL TRADE

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#### **Meat Industry Wants Trump To Break Chinese Beef Block**

Major U.S. meat industry groups on Tuesday urged President Donald Trump to press China to move forward on its plan to lift its decade-plus mad cow disease-based ban on U.S. beef, arguing that domestic companies are missing out on a billion-dollar market.

## TAX

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#### **Insurers Say Reporting Rules Taint Them As Tax Scammers**

The Internal Revenue Service was hit with a lawsuit on Monday over a notice it issued in November identifying potential tax-avoidance maneuvers involving in-house insurers, with two managers of such companies accusing the agency of unfairly tainting them as tax scammers.

#### **IRS Seeks Comment Again On New Accounting Standards**

The Internal Revenue Service on Tuesday issued a request for comments on proposed procedures to allow taxpayers to change financial accounting methods under new international standards for recognizing revenues and the impact of those changes on

differences between financial accounting and tax accounting rules.

### **US Cos. Avoiding More Than \$700B In Taxes, Report Says**

Fortune 500 companies are holding \$2.6 trillion in profits offshore largely in tax havens, avoiding as much as \$767 billion in U.S. corporate income tax, according to a report from the Institute on Taxation and Economic Policy released Tuesday.

## **IMMIGRATION**

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### **Miss. Gov. Signs Anti-Sanctuary City Measure**

Mississippi Gov. Phil Bryant on Monday signed a bill targeting so-called sanctuary cities and other locales and public institutions that choose not to cooperate with federal agents on checking individuals' immigration status.

### **House Panel Hears From Sanctuary City Opponents**

A House subcommittee on Tuesday listened to witnesses opposed to the policies of so-called sanctuary cities whose local law enforcement agencies don't cooperate with federal immigration authorities, hearing testimony urging Congress to crack down on those jurisdictions.

## **TELECOMMUNICATIONS**

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### **FCC To Provide Funds To Bring 4G LTE To Rural Areas**

The Federal Communications Commission moved forward Tuesday with a second phase of funding that allocates up to \$4.53 billion over the next decade to provide cell phone and internet services to areas without them.

### **Dem Lawmakers Urge FCC Action On Cellphone Cybersecurity**

Sen. Ron Wyden, D-Ore., and Rep. Ted Lieu, D-Calif., in a letter on Tuesday asked the

Federal Communications Commission to move quickly to take on "fundamental security threats" to cellphones, saying that self-regulation by the industry isn't working and the vulnerabilities are clear.

### **Trade Group Warns FCC Of Special Access Market Power**

A competitive networks trade group has asked the Federal Communications Commission to recognize the power of older providers in the market for business data services, also pushing the agency to seek feedback if it intends to change course from earlier findings, according to a filing posted publicly Tuesday.

### **PEOPLE**

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### **Greenberg Traurig Lures Enviro Pro From Holland & Hart**

Greenberg Traurig LLP said Monday it has bolstered its government and environmental practices by picking up an experienced environmental policy lawyer and former U.S. Department of the Interior special assistant to the solicitor from Holland & Hart LLP.

### **EXPERT ANALYSIS**

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### **'Blacklisting' Rule Rejection May Begin Pro-Employer Trend**

On Monday, President Donald Trump signed a congressional resolution blocking implementation of President Obama's Fair Pay and Safe Workplaces executive order. This may be an initial step toward dismantling many employment-related requirements that the Obama administration placed on federal contractors, and may indicate the Trump administration's overall direction on employment issues, say Brett Coburn and Anna Saraie of Alston & Bird LLP.

### **Judge Gorsuch's Dubious Commitment To Legal Textualism**

In practice, being an "originalist" or a "textualist" is a lot like being "gluten-free" except when it comes to pasta and bagels. Most "textualists" are happy to apply these concepts rigorously when it will produce the result they want — but they'll relax or ignore them if it produces a politically inconvenient outcome. Judge Neil Gorsuch seems to fit this profile, says Max Kennerly of Kennerly Loutey LLC.

### **What New Bulk Substance Rules Mean For The Drug Industry**

The U.S. Food and Drug Administration has recently included six bulk drug substances on the 503A bulks list, which allows drug compounders to bypass certain regulations for some drugs. Though progress is welcome, some pharmacists are expressing frustration over how long it is taking the FDA to finalize its guidance, says Keith Hasson of Hasson Law Group.

## **LEGAL INDUSTRY**

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Analysis

### **How To Get A Foothold In The NY Legal Market**

The classic song "New York, New York" proclaims, "If I can make it there, I'll make it anywhere," and many law firms have taken that mantra to heart as they attempt to gain traction in the brutally competitive New York legal market. Here, firms that have made it in the Big Apple offer tips to those still seeking their big break.

Analysis

### **What GCs Can Learn From Legal Operations Pros**

It's the job of legal operations directors to ensure the law department runs at peak efficiency and effectiveness, so it's no surprise that they're full of wisdom about how in-house teams can improve. Here are three legal operations professionals' top tips.

## **Dewey Cooperator Says He Never Told CFO Of Fraud**

The former controller for Dewey & LeBoeuf LLP on Tuesday told a Manhattan jury that he never told former Dewey Chief Financial Officer Joel Sanders that the law firm wasn't in compliance with its lending agreements, as the retrial of Sanders and former Dewey Executive Director Stephen DiCarmine neared the two-month mark.

### **JOBS**

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**From:** Janet Reed  
**Sent:** Wednesday, April 26, 2017 10:10 AM  
**To:** Rep48  
**Subject:** Remove Budget Changes Targeting Faculty

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kirk Schuring,

Representative,

I respectfully request that you work to remove the unwarranted, anti-faculty provisions that have been amended into Sub. HB 49.

The language that would establish "post-tenure review" for faculty at Ohio's public colleges and universities is unnecessary. Ohio's public colleges and universities already provide for post-tenure review or some other form of recurrent evaluation of ALL faculty. Institutions already have determined what works for them, and this one-size-fits-all mandate merely will amount to more administrative costs for our already bloated administrations. It will deter qualified faculty from coming to and staying in Ohio when it is more important than ever for our institutions to maintain a competitive edge.

In addition, the language that "standardizes" sick leave for university employees in reality is a thinly-veiled attack on collective bargaining rights. To place into statute a prohibition on colleges and universities agreeing to negotiated sick leave in a collective bargaining agreement is simply Senate Bill 5 in piecemeal fashion. The citizens of Ohio already have spoken that they believe public employees should

be able to bargain over the terms and conditions of their employment. Let's not again ignite a collective bargaining battle.

Finally, the provisions calling for each faculty member who assigns textbooks to file an annual financial disclosure form is a solution in search of a problem. Our faculty assign texts with which they are most familiar, that suit their teaching styles, and that they believe best will help students learn. Faculty do not assign textbooks because of personal benefit or on account of influence from textbook companies. This would be another unwarranted mandate that would amount to busy work for faculty, as well as more administrative costs for our institutions and the state.

I am asking that you do the right thing and work to remove these unnecessary, anti-faculty provisions from Sub. HB 49.

Janet Reed  
jreed56@kent.edu  
5795 Foxboro Ave  
Canton, Ohio 44718

**From:** Brian Newberg  
**Sent:** Wednesday, April 26, 2017 11:30 AM  
**To:** Rep48  
**Subject:** Remove Budget Changes Targeting Faculty

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Brian Newberg  
bnewberg@kent.edu  
263 Hallum St., SW  
North Canton, Ohio 44720

**From:** Chris Post  
**Sent:** Friday, April 28, 2017 9:37 AM  
**To:** Rep48  
**Subject:** Remove Budget Changes Targeting Faculty

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kirk Schuring,

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Chris Post  
cpost2@kent.edu  
4911 Lindford Ave NE  
Canton, Ohio 44705

**From:** Rep48  
**Sent:** Monday, May 1, 2017 3:59 PM  
**To:** 'cpost2@kent.edu'  
**Subject:** RE: Remove Budget Changes Targeting Faculty

Dear Chris,

Thank you for sharing your views with Representative Schuring.

The House's proposed changes to the Governor's budget is currently being deliberated by member of our caucus. I will be sure to pass your message on to Representative Schuring so that he may keep your views in mind as budget discussions continue.

Again, thank you for contacting our office and please do not hesitate to contact us regarding any other state related issues.

Best,

Abby

Abby Schafer

Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

---

**From:** Chris Post [mailto:cpost2@kent.edu]  
**Sent:** Friday, April 28, 2017 9:37 AM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Remove Budget Changes Targeting Faculty

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Chris Post

[cpost2@kent.edu](mailto:cpost2@kent.edu)

4911 Lindford Ave NE

Canton, Ohio 44705

**From:** Rep48  
**Sent:** Tuesday, May 2, 2017 2:32 PM  
**To:** 'jreed56@kent.edu'  
**Subject:** RE: Remove Budget Changes Targeting Faculty

Dear Janet,

Thank you for sharing your views with Representative Schuring.

The House's proposed changes to the Governor's budget is currently being deliberated by member of our caucus. I will be sure to pass your message on to Representative Schuring so that he may keep your views in mind as budget discussions continue.

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Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

---

**From:** Janet Reed [mailto:jreed56@kent.edu]  
**Sent:** Wednesday, April 26, 2017 10:10 AM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Remove Budget Changes Targeting Faculty

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Janet Reed

[jreed56@kent.edu](mailto:jreed56@kent.edu)

5795 Foxboro Ave

Canton, Ohio 44718

**From:** Rep48  
**Sent:** Tuesday, May 2, 2017 2:34 PM  
**To:** 'bnewberg@kent.edu'  
**Subject:** RE: Remove Budget Changes Targeting Faculty

Dear Brian,

Thank you for sharing your views with Representative Schuring.

The House's proposed changes to the Governor's budget is currently being deliberated by member of our caucus. I will be sure to pass your message on to Representative Schuring so that he may keep your views in mind as budget discussions continue.

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Senior Legislative Aide  
Office of State Representative Kirk Schuring  
Speaker Pro Tempore  
77 South High Street, 14th Floor  
Columbus, OH 43215  
614-752-2438

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**From:** Brian Newberg [mailto:bnewberg@kent.edu]  
**Sent:** Wednesday, April 26, 2017 11:30 AM  
**To:** Rep48 <Rep48@ohiohouse.gov>  
**Subject:** Remove Budget Changes Targeting Faculty

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Brian Newberg

[bnewberg@kent.edu](mailto:bnewberg@kent.edu)

263 Hallum St., SW

North Canton, Ohio 44720

**From:** MWH Law Group LLP  
**Sent:** Tuesday, June 6, 2017 6:24 PM  
**To:** Rep48  
**Subject:** Days Seem to be Numbered for DOL's Persuader Rule

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## **Days Seem to be Numbered for DOL's Persuader Rule**

By Carlos R. Pastrana, Senior Associate - Milwaukee

= A

In recent weeks, the United States Department of Labor has taken firm steps towards rescinding the "Persuader Rule," which is a regulation issued by the Office of Labor-Management

Standards ("OLMS") of the Department of Labor during the Obama Administration. The Persuader Rule would have required employers to report arrangements made with third parties for the purpose of influencing employees in matters of union organizing, collective bargaining, and other labor relations matters.

The Persuader Rule, in effect, sought to broaden the Labor-Management Reporting and Disclosure Act's "advice exemption" requiring employers to disclose "persuader activities" undertaken by third party consultants to include "indirect persuasion activities" which have the "direct or indirect object" of influencing employees in exercising their union organizing rights. The practical effect would have been that employers would have had to disclose any third-party involvement in providing advice that might have some persuasive impact on organizing efforts, regardless of whether there was any actual direct contact between the advisor and employees.

The Persuader Rule had been promulgated during the last year of the Obama Administration, and was immediately met with strong opposition from employers, who argued that it would threaten the confidential nature of communications between an employer and its outside counsel related to labor issues. Ten different states, along with some industry groups, filed suit in the United States Court for the Northern District of Texas, alleging that the Persuader Rule violated the First and Fifth Amendments, the Administrative Procedure Act ("APA"), and the LMRDA.

In June of 2016, the Court granted a preliminary injunction enjoining the DOL from enforcing the Persuader Rule. Subsequently, on November 16, 2016, the Court granted summary judgment in favor of the Plaintiffs, and made the injunction permanent. The DOL appealed the decision to the United States Court of Appeals for the Fifth Circuit. After the new Administration took office, the DOL asked for an extension in the briefing schedule. It has not prosecuted the appeal since. As a result of this litigation, the Persuader Rule has never been enforced.

The appointment of Alexander Acosta as the Trump Administration's Labor Secretary seemed to signify that the rescission of the Persuader Rule was all but certain, given that Mr. Acosta had expressed his opposition to the Persuader Rule in a column he wrote for *The Wall Street Journal*.

Indeed, on May 22, 2017, the Department of Labor forwarded a proposed rulemaking that would rescind the Persuader Rule to the Office of Management and Budget's Office of Information and Regulatory Transparency ("OIRA") for review. If OIRA were to approve the proposed rulemaking, the DOL would then publish it in the Federal Register, for public review and comment, and subsequently consider and evaluate the comments it receives.

Employers should assume that the Persuader Rule will never see the light of day. The objectives promoted by the Rule are simply inconsistent with the new Administration's view of outside counsel's role in the labor relations setting. However, were there to be any unforeseen changes in the Rule's outlook, we will update you promptly.

MWH offers tactical solutions for clients who want to ensure their legal obligations are met regarding document preservation.

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= A

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mwhlawgroup | MILWAUKEE | 735 N. Water Street, Suite 610, Milwaukee, WI 53202 | P: (414) 436-0353 | F: (414) 436-0354

**From:** NCSL TODAY

**Sent:** Thursday, July 13, 2017 10:42 AM

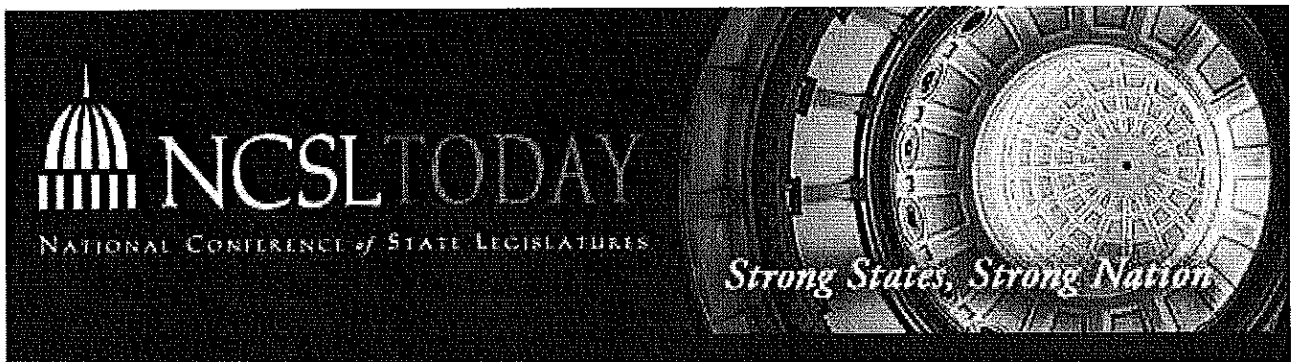
**To:** Rep48

**Subject:** State election officials fear feds are making security worse

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## TOP NEWS July 13, 2017

### State election officials fear feds are making security worse

*Governing*

Secretaries of state are concerned about not just the federal government's request for voter information but also the information they're not getting about election security breaches.

### U.S. appeals court upholds Wisconsin's right-to-work law

*Milwaukee Journal Sentinel*

A federal appeals court on Wednesday upheld Wisconsin's law that bars collective bargaining agreements requiring workers to pay union fees.

### Five states face budget uncertainty in new fiscal year

*Reuters*

Connecticut, Wisconsin and Rhode Island's legislatures have not yet passed a budget, while Massachusetts' budget awaits action from state Governor Charlie Baker to either sign or veto it. **NCSL's Erica MacKeller quoted.**

### Medical pot industry wants in on soaring pot sales

*The Chicago Tribune*

Sales of products containing CBD, or cannabidiol, increased 30 percent to \$262 million nationwide last year, according to the Hemp Business Journal. By



FRANK LUNTZ

### Commentator/pollster Frank Luntz featured speaker at Legislative Summit

Frank Luntz is one of the nation's foremost political commentators and pollsters. Known as the Focus Group Czar, he captures the attitudes of American voters on politics, policies and the direction of the country. He will speak during Tuesday's general session

NEW@NCSL

2020, the industry trade journal projects that figure to leap to more than \$1 billion, with most of those sales from hemp, not medical marijuana. **NCSL research cited.**

### **California lawmakers delay climate vote amid push for affordable housing**

*The Los Angeles Times*

While conversations over climate change have dominated recent debate at the Capitol, California lawmakers are accelerating bills to address the state's housing affordability crisis, and may vote on a series of measures before they break for summer recess next Friday.

### **State lotteries fight 'jackpot fatigue,' casino competition**

*Stateline*

With lottery proceeds flat or declining, and states reluctant to raise taxes to make up the difference, pressure is mounting to keep players playing and money rolling in.

### **Capitol to Capitol state-federal newsletter**

### **Friday webinar: Cybertechnology and the law**

### **The Canvass elections newsletter**



### **States tackling 'balance billing' issue**

The practice of a provider billing a patient for the difference between what they received in reimbursement from an insurance carrier and what they actually charge for their services is known as balance billing, or a surprise bill, and it's not uncommon.



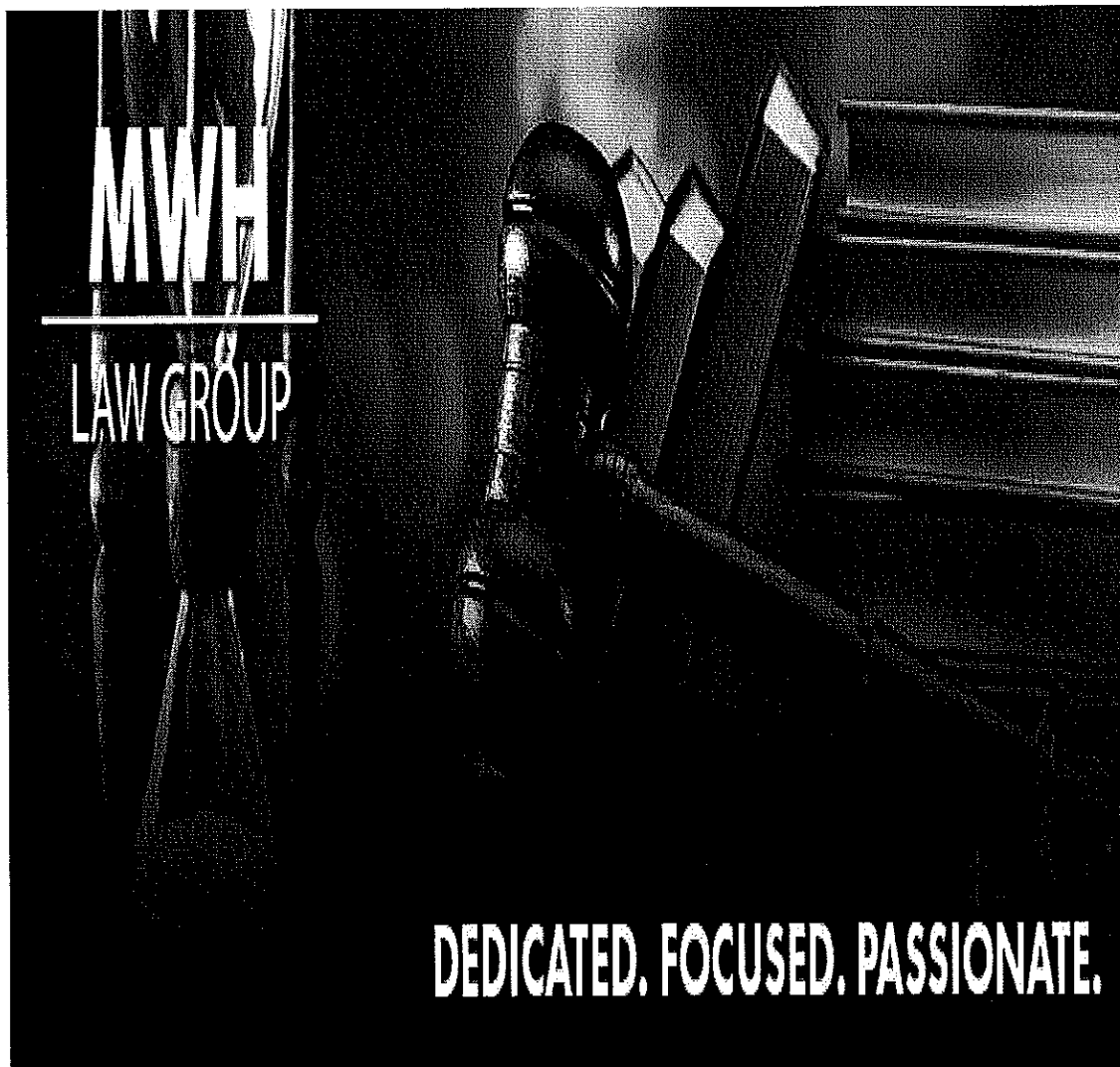
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Subject: Seventh Circuit Affirms Wisconsin's "Right-to-Work" Law

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### **Seventh Circuit Affirms Wisconsin's "Right-to-Work" Law**

By Carlos R. Pastrana, Senior Associate - Milwaukee

= 9

On July 12, 2017, a three-Judge panel of the United States Court of Appeals for the Seventh Circuit affirmed the United States Court for the Eastern District of Wisconsin's September 26,

2016 decision upholding Wisconsin's "Right to Work" law against a challenge brought by the International Union of Operating Engineers.

2015 Wisconsin Act 1, known as Wisconsin's "Right-to-Work" law is one of many similar laws enacted by States across the country during the past several years. Wisconsin was the 26th state to pass a "Right-to-Work" law. The law, which applies to any labor agreement that was entered into, modified, renewed or extended after the March 11, 2015 effective date of the law, makes "union security" clauses illegal. "Union security" clauses require workers to join a union - and pay the corresponding dues - as a condition of employment. Collective bargaining agreements commonly contain such clauses. Courts had previously held that compulsory union membership is illegal.

Two chapters of the International Union of Operating Engineers had filed a lawsuit last year in District Court, alleging that the "Right-to-Work" law's provisions amount to an unconstitutional taking of the Union's property without just compensation, and that the law is preempted by the National Labor Relations Act. District Court Judge J.P. Stadtmueller heard the case and determined that the challenged law mirrored a nearly-identical law in Indiana which, in the case of *Sweeney v. Pence*, 767 F.3d 654 (7th Circuit 2014), had been upheld. Accordingly, Judge Stadtmueller applied the precedent established by the Seventh Circuit in *Sweeney* and held that Wisconsin's nearly-identical version was similarly lawful. This was the second time that Wisconsin's "Right-to-Work" law has been upheld and survived a Constitutional and preemption challenge.

The Union appealed Judge Stadtmueller's decision, arguing that *Sweeney* had been wrongly decided and should be overturned. However, as previously mentioned, the Seventh Circuit Court of Appeals was not persuaded, and held that the Wisconsin law was essentially the same as the Indiana law the court had previously upheld, and that the Union had failed to advance a compelling argument to reach a different conclusion from Judge Stadtmueller's.

The Seventh Circuit's decision is in line with a national trend in which a number of similar laws have been upheld by Federal appellate courts throughout the country. The Union may attempt to appeal to the United States Supreme Court, but such appeals are discretionary with the court and the chances of the Supreme Court reversing the Seventh Circuit are very slim, particularly given the current makeup of the Court. Until then, "Right-to-Work" remains the law of the land in Wisconsin.

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By Carlos R. Pastrana, Senior Associate - Milwaukee

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**Supporters Hope Palliative Care Measure Gains Traction After Recess**

**Long-Awaited Federal Study To Protect Great Lakes From Asian Carp Released**

**Environmental Groups Question Rover Excuses For Fuel In Wetland Spills**

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## House Activity for Monday, August 7, 2017

### INTRODUCED

**HB 315** ■ **DAY DESIGNATION** (Arndt, S.) To designate October 6 as "S.M.A.R.T. Parent Day." En. 5.257

**HB 316** ■ **PICNIC AREA NAMING** (Arndt, S., Stein, D.) To designate a picnic area in Kelleys Island State Park as the "Henry T. Beatty Memorial Picnic Area." Am. 1546.30

**HB 317** ■ **TAX DEDUCTION** (Young, R.) To authorize, for six years, a personal income tax deduction for a physician based on the number of hours the physician provides uncompensated medical services through a hospital, free clinic, or nongovernmental medical organization. Am. 5747.01 and to enact section 5747.014

### HOUSE SPEAKER'S APPOINTMENTS

Finance: Remove Representative Faber

Finance Subcommittee on State Government and Agency Review: Remove Representative Faber.

Public Utilities: Remove Representative Faber; appoint Representative Stein

Aging and Long Term Care: Appoint Representative Brown.

Armed Services, Veterans Affairs, and Homeland Security: Appoint Representative Brown.

Civil Justice: Remove Representative Sykes; appoint Representative Brown.

State and Local Government: Appoint Representative Brown.

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Power Siting Board: Remove Representative Hagan; appoint Representative Carfagna

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New African Immigrants Commission: Kefa Otiso and Beatrice Miringu

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Ohio Public Works Commission: Dean Ringle

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## **Daily Activity Planner for Tuesday, August 8**

### **Legislative Committees**

No legislative committees scheduled.

### **Agency Calendar**

Board of Building Appeals, ODOT District Three Office, 906 Clark Ave., Ashland, 8:30 a.m.

Third Frontier Commission, Rev1 Ventures, 1275 Kinnear Rd., Columbus, 10 a.m.  
House Speaker's Task Force on Alzheimer's and Dementia, Netzley Room, Statehouse, Columbus, 1 p.m.

### **Event Planner**

National Conference of State Legislatures Legislative Summit, Boston  
Sen. Bob Peterson (R-Sabina) and Sen. Troy Balderson (R-Zanesville) fundraiser, Mike and Samantha Hartley residence, 403 South Court Street, Circleville, 6 p.m., (\$1,000 Chair | \$500 Sponsor | \$250 Host | \$100 Supporter | \$75 per Couple | \$50 Individual to Peterson for Good Government and Troy Balderson for State Senator)

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**Volume #86, Report #151 -- Monday, August 7, 2017**

**Collective Bargaining Consultant Contract Gets Controlling Board Approval**

Controlling Board members on Monday approved a new contract for a Columbus law firm to do consulting work on collective bargaining issues after lawmakers asked about the job and procurement process for the contract.

Without objection, the board approved the \$480,000 contract between the Department of Administrative Services and Baker Hostetler, LLP. The firm will provide labor relations and collective bargaining consulting and negotiation services.

Sen. Charleta B. Tavares (D-Columbus) asked if the state was developing the internal capacity to handle labor issues and contracts without having to pay outside help.

Jennifer Leymaster, chief financial officer for DAS, said negotiations for large contracts often require outside assistance.

"It is customary for us to seek outside consulting services when doing the negotiation for these major contracts, as I believe is customary for organizations of our size," she said.

Kristen Rankin, deputy director for the DAS Office of Collective Bargaining, said the work fluctuates year-to-year as different contracts come up for renewal.

She said the state has been working with Baker Hostetler since 2014 and the firm has a good understanding of the state's labor relations.

Rep. Hearcel Craig (D-Columbus) asked about the increase in the value of the contract this year, up from about \$300,000 last year.

Ms. Rankin said the state is entering negotiations with its largest union this year, meaning there will be more work ahead.

The board also approved several contracts from the treasurer's office after Sen. Tavares asked for the reasoning behind waiving competitive selection.

Deputy Treasurer Seth Metcalf said all of the items were continuations of ongoing projects. In one case, the office did receive another bid, but it was significantly higher than the bid by the existing contract. That project involves custom-built software designed by the current contractor.

"We suspect that the additional bid was very high because the learning curve for a new provider would have been significant," he said.

The board approved a request for more than \$8.3 million over two years from DAS for a contract for postage funds. Rep. Andy Brenner (R-Powell) asked if other firms, such as Stamps.com, might be able to offer the state better rates.

Ms. Leymaster said firms like Stamps.com might not be able to handle the volume of mail the state sends out, but that DAS would look into it.

The board accepted a transfer of \$2.2 million from the Emergency Management Agency into its emergency fund, repaying the final payment of the money used to reimburse states that sent law enforcement to help at the Republican National Convention in Cleveland last year. The EMA said it has received reimbursement from Cleveland for all of the 18 states that assisted.

A request for \$605,961 from the Department of Developmental Disabilities to improve the fire alarm system at Cambridge Developmental Center was deferred.

Other items approved by the board included: (Agenda)

- \$534,000 - Central State University - for a library structural repair and modernization project.
- \$3.2 million - Clark State Community College - for renovation of Rhodes Hall.
- \$2.4 million - Columbus State Community College - for the Culinary and Hospitality School building project.
- \$226,275 - Department of Health - to purchase cystic fibrosis test kits.
- \$374,400 - Department of Mental Health and Addiction Services - for a contract for forensic psychiatric services at Summit Behavioral Healthcare in Cincinnati.
- \$1.2 million - Department of Developmental Disabilities - to contract with various providers for early intervention hearing services for children.
- \$1.1 million - Department of Natural Resources - for a contract amendment to provide construction administration and material testing at Buckeye Lake Dam.
- \$5.3 million - ODNR - to contract for improvements at a variety of state parks.
- \$749,510 - Department of Rehabilitation and Correction - to replace the roof at the Corrections Training Academy in Orient.
- \$53.6 million - Department of Transportation - for contracts with 52 consulting firms for a variety of services.

- \$212,154 - Bureau of Workers' Compensation - to renew a contract for IT services analyzing business processes.

### **Seitz Plans To Push For Passage Of Death Penalty Exemption Bill This Fall**

The sponsor of a bill to exempt the seriously mentally ill from the death penalty expects the measure to move in the fall.

The legislation (HB 81) would exempt from the death penalty those diagnosed with schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder or delusional disorder at the time a capital offense was committed.



Bill Seitz

"I'm raring and ready to go as soon as we get back to try and move this forward in the House," sponsoring Rep. Bill Seitz (R-Cincinnati) said in an interview.

The bill has had three hearings in the House Criminal Justice Committee. Rep. Seitz said he was ready to move the measure prior to lawmakers leaving town for summer vacations, but he was told to hold off.

"We were really ready to go at the end of session back a month ago, but they wanted to keep controversial things off the radar screen as we focused all of our attention on the conference committee process and budget overrides and things like that," he said.

Chairman Sen. Kevin Bacon (R-Minerva Park) expressed uncertainty about the fate of the bill in the Senate Judiciary Committee. (See Gongwer Ohio Report, August 4, 2017)

But Rep. Seitz said he is confident about the bill's prospects in the upper chamber.

"All I can tell Senator Bacon is that when I had the bill the last time in that chamber, there were 31 of 33 senators ready to vote for it. Maybe he hasn't started counting noses yet," he said, adding that the two opponents of the last version of the bill are now serving in the House.

The bill has run into stiff opposition from the Ohio Prosecuting Attorneys Association. Executive Director John Murphy has said that current law already provides those suffering from mental illness with the opportunity to be deemed incompetent to stand trial or mount a not guilty by reasons of insanity defense. (See Gongwer Ohio Report, June 6, 2017)

Despite the opposition, Rep. Seitz does not believe the OPAA will be able to sink the bill.

"It's got an awful lot of support and the only people that have come out against it are the prosecutors and their reasoning doesn't satisfy me," he said. "They were opposed to it the last time on the same basis."

Given the state's recent resumption of the death penalty, Rep. Seitz believes the bill will gain even more traction. (See Gongwer Ohio Report, July 26, 2017)

"I think with all the recent furor over the resumption of executions in Ohio people ought to at least recognize this for progress in terms of narrowing the range of cases in which the death penalty may be imposed," he said.

The legislation is based off of one of several recommendations made by the Ohio Supreme Court's Joint Task Force to Review the Administration of Ohio's Death Penalty.

"The bottom line is this was a central recommendation of the death penalty task force," Rep. Seitz said.

### **Supporters Hope Palliative Care Measure Gains Traction After Recess**

Legislation first offered last year and introduced again in June intends to increase awareness and access to palliative care for patients with serious health conditions.

The bill (HB 286), sponsored by Rep. Sarah LaTourette (R-Chagrin Falls), would establish a state council to oversee palliative care and create programs to raise awareness and utilization of the approach.



Rep. LaTourette

It's a personal issue for the sponsor. Her father, former U.S. Rep. Steve LaTourette, received palliative care before his death last year from pancreatic cancer. (See Gongwer Ohio Report, August 7, 2017)

"I saw the dramatic difference that access to early palliative care had on his life and our lives," Rep. LaTourette said in an interview. "I want everybody in the state to be aware that palliative care is not just hospice care."

Rep. LaTourette first introduced the measure (HB603, 131<sup>st</sup> General Assembly) toward the end of the last General Assembly. It received a hearing before the House Health and Aging Committee. (See Gongwer Ohio Report, October 26, 2016)



The new version of the bill retains almost all of that proposal's components but does not include provisions that would levy fees or fines on hospitals that don't comply, she said. That has eased some concerns from industry groups, she said.

The move toward expanding the reach of palliative care is a priority for advocacy groups such as the American Cancer Society Cancer Action Network, who included the practice on their annual report card for state cancer policies. (See Gongwer Ohio Report, August 4, 2017)

Jeff Stephens, ACS CAN's state government relations director for Ohio, said the group is also working on similar legislation at the federal level.

"It's a form of treatment that's been proven to increase health outcomes at a reduced overall health care cost. It works," he said.

The bill would create an interdisciplinary advisory council at the Department of Health and create a set of criteria to identify patients who are best suited to the care approach.

"We do a pretty OK job of offering it in Ohio but we need to build the pipeline of professionals who are coming into to this treatment and we need to educate patients about what palliative care is," he said.

Mr. Stephens said it's important for providers to consider how different palliative care can look in different parts of the state. While it typically includes the treating doctor, a pharmacist, social workers, spiritual leaders and others who surround the patient with support, that team could look different in rural areas than it would in cities with access to wide varieties of professionals.

"We're all very hopeful there's going to be movement on that this fall," he said.

The proposal hasn't yet been assigned to a committee, but Rep. LaTourette said it will probably go through the House Aging and Long-Term Care Committee.

"My hope is that shortly after we come back for the fall that we start moving quickly," she said.

### **Long-Awaited Federal Study To Protect Great Lakes From Asian Carp Released**

A long-delayed federal plan to prevent Asian carp from entering the Great Lakes was released Monday after months of prodding from congressional delegates in Ohio and other states.

The report from the U.S. Army Corps of Engineers spells out \$275 million in proposals to upgrade the Brandon Road Lock and Dam in Illinois in order to shield the lakes from the invasive species.

Ideas in the report include electric barriers, flushing locks, water jets, and complex noise generation. If approved, the project has an estimated completion date of 2025, according to the report. Critics have argued the plan could impede commercial traffic in the region.

The 488-page report was originally slated for release in February, but was delayed by the Trump Administration. Democrats have contended that the decision to delay the report was political in nature. (See Gongwer Ohio Report, May 1, 2017)

"It is encouraging to see that the U.S. Army Corps' recommendations include serious measures to deal with this invasive species," U.S. Rep. Marcy Kaptur (D-Toledo) said in a statement. "Now that we have real information on costs we can move on and receive input from stakeholders, whose livelihoods depend on us keeping the Asian carp out of the Lakes."

Both she and U.S. Sen. Sherrod Brown (D-Cleveland) earlier this year introduced standalone legislation that would have forced the Trump Administration to make the study public. (See Gongwer Ohio Report, June 23, 2017)

"We are now one step closer to taking action to protect our Great Lakes from Asian carp," Sen. Brown said, "and I look forward to working with Sen. Portman and my other Great Lakes colleagues to turn this report into concrete actions that will benefit our Lakes."

The discovery of an Asian carp in June just nine miles from Lake Michigan added new urgency to the matter. It also prompted state officials to enter the fray, with Attorney General Mike DeWine writing late last month to the Department of the Army and saying the delay "in the face of this immediate threat is unacceptable." (See Gongwer Ohio Report, June 30, 2017)

There will now be a 45-day public review period for the draft report, ending Sept. 21. Comments will be accepted online, by letter and at public meetings yet to be scheduled.

U.S. Sen. Rob Portman (R-Terrace Park) said the lakes and the local economies they support must be protected.

"The Great Lakes support a \$7 billion fishing industry and Lake Erie contributes more than \$10 billion to Ohio's tourism industry, both of which would be jeopardized if Asian Carp were allowed into the Great Lakes," he said. "It is important that the Corps remain on schedule to finalize the plan by January of 2019, and I look forward to working with stakeholders and the Corps to do just that."

Environmental groups praised the release, with the Alliance for the Great Lakes, the Sierra Club, the Natural Resources Defense Council and several other groups issuing a joint statement.

"We look forward to reviewing the findings in detail and to continuing the conversation on this critical issue with elected officials and concerned citizens during the public comment period," the groups said. "The U.S. Army Corps of Engineers must listen carefully to public input on the study and then move quickly from study to implementation of additional protection measures at the Brandon Road Lock and Dam, a logical choke point in the system."

The Ohio Conservation Federation and its counterparts from Indiana, Michigan, Minnesota and Wisconsin issued a similar joint statement.

"After months of unnecessary delay, we are excited that the potential options for improving defenses against Asian carp at the Brandon Road Lock and Dam will see the light of day," they said. "There is still much work yet to be done in this process. We look forward to working towards securing stronger protections to keep Asian carp out of our Great Lakes."

### **Environmental Groups Question Rover Excuses For Fuel In Wetland Spills**

The company behind the Rover Pipeline project told federal regulators it believes it's possible traces of diesel fuel found in wetland spills earlier this year were planted by "malicious" opponents.

But environmental groups say the company is attempting to divert attention from Rover's actions and that increased security around the spill sites - by both the company and state regulators who were investigating the spills - renders the idea of sabotage "farfetched."

It's the latest back and forth between Rover Pipeline LLC, its parent Energy Transfer Partners, and advocates urging the Federal Energy Regulatory Commission to halt construction of the 700-mile pipeline that has been at the center of controversy for months.

In its most recent filing (PDF) before FERC, the company for the first time agreed with the Ohio Environmental Protection Agency's assessment that diesel fuel was present in millions of gallons of drilling mud spilled into Ohio wetlands at several sites earlier this year. (See Gongwer Ohio Report, June 2, 2017)

But Rover stopped short of accepting the blame, saying it "has no evidence that the diesel was the result of a spill or failed containment" experienced during its horizontal drilling and construction activity.

"This data alone, however, does not demonstrate that diesel fluid (or other petroleum hydrocarbons) entered the slurry as part of the HDD process or that there was a widespread impact," the company wrote.

"Rover theorizes that these diesel concentrations could have been caused by an inadvertent and unreported spill or leak from equipment operating during the clean-

up...or it could have been the deliberate or malicious act of individuals opposed to the project," the company continued. "Given the extensive inspection and oversight at this and other sites along the project, it is difficult to imagine that this occurred from an unreported spill or leak."

Cheryl Johncox of the Sierra Club's Beyond Dirty Fuels Campaign rejected that claim. She said in an interview that OEPA testing revealed fuel traces at several different sites.

"It's very unlikely somebody trying to sabotage the project would know where those sampling locations were," she said. "The other thing of note is this occurred on private property...(and) they were very actively patrolling that spill site and keeping people off. It's very unlikely somebody was able to access that area in order to sabotage the project."

Heather Taylor-Miesle, executive director of the Ohio Environmental Council, said the company's claims are the latest demonstration of the company's "lack of respect for Ohioans and our environment."

"Claiming they were sabotaged or framed without any evidence whatsoever is merely another attempt for Rover to deflect blame and avoid owning up to the consequences of their actions," she said. "We are taught in kindergarten to clean up after ourselves, and Rover should remember this important childhood lesson."

Regardless of how the fuel entered the slurry, the company said it is "deeply troubled by any of these potential scenarios and has taken steps to address these possible sources."

Those steps include reiterating to employees and contractors that all construction must adhere to the FERC certificate and other spill prevention and response procedures. Additionally, it will remind workers that secondary containment must be used for equipment working in or near wetlands and bodies of water and prompt notification is required for spills of hazardous materials.

In the event an outside agent introduced fuel to the situation, the company said it has increased security to oversee the Tuscarawas site and has "increased scrutiny of all personnel entering and leaving all HDD sites."

The filing comes one week after Kelcy Warren, CEO of Energy Transfer Partners, which is Rover's parent company, told federal lawmakers he was "baffled" by criticism of the company and allegations of rule violations from regulators and congressional Democrats following the spills.

#### **Tavares Bill Aimed At Gender Pay Gap; Schiavoni Targets Charter Overpayments; Renacci, Pillich Announce Endorsements...**

Equal pay and charter school funding are the subjects of hot-button measures recently introduced by two Democratic lawmakers.

Sen. Charleta B. Tavares (D-Columbus) is behind legislation (SB 174) she dubbed the "Fair and Acceptable Income Required Act."

"It is shameful that in this day and age women in Ohio make only 78 cents for every dollar made by a man. Without question, equal work deserves equal pay," she said in a release announcing the bill. "At a time when women are increasingly responsible for the economic security of their families, it is absolutely critical to ensure that they earn a wage commensurate with their work - and on par with a man's."

The bill would require employers to substantiate pay differences, prohibit retaliation against workers who discuss salaries with colleagues and bar wage discrimination based on sexual orientation.

"While the Lilly Ledbetter Fair Pay Act of 2009 improved some laws that govern pay discrimination, more must be done to close the wage gap and increase the economic security of women," Sen. Tavares said. "Fair pay would help close the wage gap and increase women's economic security."

**Charter Overpayments:** A gubernatorial candidate meanwhile is touting a measure to require all money recovered from overpayments to charter schools to be returned to district from which it was deducted. It comes on the heels of the state's plans to claw back funding from the Electronic Classroom of Tomorrow over inflated enrollment data.

Sen. Joe Schiavoni (D-Boardman) said his legislation is expected to be introduced this week.

"Ohio schools are struggling to manage after several years of cuts to their funding. It's only right that the state should return all money taken from these schools in error," he said. "This bill is simple: it creates a uniform rule that all money overpaid to charter schools is sent back to the affected school districts."

**Endorsements Announced:** Other gubernatorial candidates continue to rack up endorsements.

U.S. Rep. Jim Renacci (R-Alliance) announced the backing of Julie Prince in his bid to replace Gov. John Kasich. She directed Ohio operations and grassroots for Ted Cruz's 2016 presidential campaign.

"In the 2018 gubernatorial race, there is one clear choice for conservatives across Ohio, and that choice is Jim Renacci. Time and again Jim has demonstrated his unyielding commitment to the conservative reforms we need, but which entrenched Columbus insiders have failed to deliver," she said. "Jim is not afraid to take on the establishment or the career politicians who continue to pay lip service to conservatism while perpetuating the status quo."

Added Rep. Renacci: "In her position as the Grassroots and Operations Director for Ted Cruz's presidential campaign in Ohio, Julie played an instrumental role in advancing the

causes of conservatism and liberty - not just for our state, but for our nation as a whole. I am proud to serve as a voice for conservatives across Ohio in this critically important election, and I am committed to delivering the conservative agenda and reforms we so badly need as our state's next governor."

Meanwhile, former Rep. Connie Pillich announced that she has the support of the Cincinnati Building Trades in her Democratic primary contest.

"Connie Pillich is the proven fighter we need as our next governor. Born in the shadow of a steel mill, Connie knows what we face every day," Cincinnati Building Trades Executive Secretary Fred Lampe said. "She has an unrivaled record of standing up for working families, higher wages, and working to create good jobs. Connie has proven herself as the Democratic frontrunner in the race for governor and the Cincinnati Building Trades is proud to have her back."

Added Ms. Pillich: "I'm proud to be endorsed by the Cincinnati Building Trades because I'll never stop fighting for working families, good jobs, and better wages for workers. With the wind at our backs, our people-powered campaign is building more momentum everyday as we work to take Columbus back from the special interests."

**Husted Appointment:** Secretary of State Jon Husted announced the appointment of Marcella R. Bogenrife to the Madison County Board of Elections.

She was recommended for the post by the Madison County Republican Party Executive Committee.

### **Casino, Racino Revenue Up Big In July**

The state's four casinos showed significant gains in revenue last month compared to June, and the racinos also saw a big uptick in what they took home.

The casinos brought in \$69.9 million in July, up from \$64.1 million the prior month and from \$66.1 million in July 2016, according to revenue reports released Monday by the Casino Control Commission.

Video lottery terminal revenue at the seven racinos totaled \$84.5 million for the first month of the fiscal year, up nearly \$6.5 million from where it was in June, the Ohio Lottery Commission reported.

Hollywood Columbus brought in the most money among casinos at \$18.9 million. That was up from \$17.7 million in June and just a bit above the \$18.6 million it brought in the previous July. The casino was highly dependent on slot machine revenue, with that accounting for \$13.5 million.

Hollywood Toledo also saw a big boost, rising to \$17.6 million from \$16.1 million the prior month. It was up more than \$1 million from \$16.5 million in July 2016. Like its sister

casino in Columbus, the Toledo location leaned heavily on slot machines, to the tune of \$14.8 million.

JACK Cleveland raked in \$16.9 million, up from \$15 million in June and \$15.5 million the previous July. The casino was the most balanced between slots and table games, with slots accounting for \$9.1 million and table games \$7.7 million.

JACK Cincinnati brought in \$16.7 million, up from \$15.4 million both in June and in July 2016. Slot machines accounted for \$10.7 million of the casino's take.

**Racinos:** Among the state's racinos, Hard Rock Racino-Northfield Park saw the largest gain from June to July, up \$2.7 million to \$22.3 million in revenue from VLT machines.

Scioto Downs was the second-biggest gainer, up \$1.25 million to \$14.25 million in July.

Hollywood Gaming Dayton Raceway was up \$643,130 to \$8.3 million, while JACK Thistledown was up \$605,814 to \$10.1 million.

Belterra Park's revenue was up \$529,680 over June's at \$7.4 million. Revenue at Miami Valley Gaming was up \$428,657 to \$12.4 million, and Hollywood Gaming Mahoning Valley Race Course gained \$300,155 to \$9.8 million.

### **Gongwer Statehouse Job Market Updated**

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com).

### **Supplemental Agency Calendar Wednesday, August 9**

State Emergency Response Commission, 2855 West Dublin-Granville Rd., Columbus, 1:15 p.m.

### **Supplemental Event Planner Monday, August 21**

OHROC Lake Erie Boat Cruise and Reception with Speaker Cliff Rosenberger (R-Clarksville), Rep. Steve Arndt (R-Port Clinton), and Rep. Bill Reineke (R-Fremont), Catawba Island Club, 4235 E. Beach Club Road, Port Clinton, 5:30 p.m., (5:30pm Arrive at Catawba Island Club; 6:00pm Depart on Burger Yacht "Gemini"; 8:00pm Reception. Sponsor: \$5,000; Host: \$2,500; Patron: \$1,000; Guest: \$500 to OHROC)

### **Sunday, August 27**

Rep. Theresa Gavarone (R-Bowling Green) shooting fundraiser, Nagle Trucking, 4520 Moline-Martin Road, Walbridge, 1:30 p.m., (Expert: \$250; Sharpshooter: \$100 to Citizens for Gavarone)  
**Wednesday, September 13**

Rep. Mark Romanchuk (R-Mansfield) fundraiser, Little Palace, 240 S. 4th Street, Columbus, 5 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Romanchuk for State Rep)  
**Friday, September 15**

Rep. Bob Cupp (R-Lima) golf outing fundraiser, Tamarac Golf Course, 500 N. Stevick Road, Lima, 9 a.m., (9:00am Registration; 10:00am Shotgun Start. Event Sponsor: \$1,000; Tee Sponsor: \$500; Foursome: \$400; Green Sponsor: \$350; Lunch Sponsor: \$250; Individual Golfer: \$125 to Cupp for State Representative Committee)  
**Wednesday, October 11**

Speaker Cliff Rosenberger (R-Clarksville) fundraiser, Athletic Club of Columbus - Gold Room, 136 E. Broad Street, Columbus, 5 p.m., (Chair: \$2,500; Host: \$1,000; Sponsor: \$500 to Committee to Elect Cliff Rosenberger)  
**Wednesday, November 1**

Rep. Craig Riedel (R-Defiance) and Rep. Kristina Roegner (R-Hudson) fundraiser, Due Amici, 67 E. Gay Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Citizens to Elect Craig Riedel and/or Kristina Daley Roegner for Ohio)  
**Wednesday, November 29**

Ohio House Republican Organizing Committee fundraiser, Athletic Club of Columbus - Gold Room, 136 E. Broad Street, Columbus, 5 p.m., (Chair: \$2,500; Host: \$1,000; Sponsor: \$500 to OHROC)

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## Senate Activity for Monday, August 7, 2017

### INTRODUCED

**SB 175** ■ **COMMUNITY SCHOOLS (Schiavoni, J.)** Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school. Am. 3314.52

**SB 176** ■ **MUNICIPAL TAXES (Jordan, K.)** To prohibit municipal corporations from levying an income tax on nonresidents' compensation for personal services or on net profits from a sole proprietorship owned by a nonresident. Am. 709.023, 718.01, 718.02, 718.03, 718.04, 718.05, and 718.16 and to repeal sections 718.011 and 718.50

### SENATE PRESIDENT'S APPOINTMENTS

Southern Ohio Agricultural and Community Development Foundation: Appoint Senator Joe Uecker and Senator Sean O'Brien

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## Collective Bargaining Consultant Contract Gets Controlling Board Approval

## Seitz Plans To Push For Passage Of Death Penalty Exemption Bill This Fall

## Supporters Hope Palliative Care Measure Gains Traction After Recess

## Long-Awaited Federal Study To Protect Great Lakes From Asian Carp Released

**Environmental Groups Question Rover Excuses For Fuel In Wetland Spills**

**Tavares Bill Aimed At Gender Pay Gap; Schiavoni Targets Charter Overpayments; Renacci, Pillich Announce Endorsements...**

**Casino, Racino Revenue Up Big In July**

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**Day Planner**

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## House Activity for Monday, August 7, 2017

### INTRODUCED

**HB 315** ■ **DAY DESIGNATION (Arndt, S.)** To designate October 6 as "S.M.A.R.T. Parent Day." En. 5.257

**HB 316** ■ **PICNIC AREA NAMING (Arndt, S., Stein, D.)** To designate a picnic area in Kelleys Island State Park as the "Henry T. Beatty Memorial Picnic Area." Am. 1546.30

**HB 317** ■ **TAX DEDUCTION (Young, R.)** To authorize, for six years, a personal income tax deduction for a physician based on the number of hours the physician provides uncompensated medical services through a hospital, free clinic, or nongovernmental medical organization. Am. 5747.01 and to enact section 5747.014

### HOUSE SPEAKER'S APPOINTMENTS

Finance: Remove Representative Faber

Finance Subcommittee on State Government and Agency Review: Remove Representative Faber.

Public Utilities: Remove Representative Faber; appoint Representative Stein

Aging and Long Term Care: Appoint Representative Brown.

Armed Services, Veterans Affairs, and Homeland Security: Appoint Representative Brown.

Civil Justice: Remove Representative Sykes; appoint Representative Brown.

State and Local Government: Appoint Representative Brown.

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Power Siting Board: Remove Representative Hagan; appoint Representative Carfagna

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New African Immigrants Commission: Kefa Otiso and Beatrice Miringu

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Ohio Public Works Commission: Dean Ringle

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